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Election of the judges of the International Criminal Court (continued)

Note by the Secretariat

Addendum

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* Nominated by Panama.

1. Blattmann, René (Bolivia)

[Original: English/French/Spanish]

Note verbale

The Permanent Mission of Bolivia to the United Nations presents its compliments to the United Nations Secretariat/Office of Legal Affairs, and has the honour to state that the Government of Bolivia has decided to nominate Dr. René Blattmann for the post of judge of the International Criminal Court, on list B, in the election that will take place at the Assembly of States Parties to the Rome Statute, to be held in New York from 3 to 7 February 2003.

...

Dr. René Blattmann is a prominent jurist with wide experience and thorough knowledge of international law. He has also been actively involved in international humanitarian law and human rights. He has been a professor of criminal law and international law as well as Minister of Justice and Human Rights.

...

Statement of qualifications

The Bolivian Government has decided to nominate Dr. René Blattmann for one of the posts of judge of the International Criminal Court.

Dr. Blattmann complies with the requirements established by Bolivian legislation for assuming the highest functions in the Bolivian judiciary.

He will stand for election on list B for the purposes of article 36, paragraph 5, of the Rome Statute of the International Criminal Court.

Dr. Blattmann is a prestigious, internationally known Bolivian professional with vast experience in international law, criminal law and human rights. He has been honoured with the title of Doctor Honoris Causa by the University of Basel, Switzerland. He has also received several national and international awards for his important contributions to the development of law, his commitment to respect for human rights and his efforts to modernize and improve the administration of justice.

Dr. René Blattmann's curriculum vitae reflects his outstanding experience in academic and theoretical areas and in the practical and technical aspects of his career.

1. Academic area

Professor of criminal law and international law at Bolivian public and private universities.

2. Governmental activities in Bolivia

Minister of Justice and Human Rights. Dr. Blattmann focused mainly on the following objectives:

(a) To promote the systematization and modernization of the Bolivian legal system;

(b) To implement the national defence policy, the protection and promotion of human rights, and citizen guarantees;

(c) To administer the national public defence system;

(d) To coordinate activities with the judicial branch, the Attorney-General and the Ombudsman;

(e) To follow up and support legal processes within the executive branch.

As Minister of Justice and Human Rights, Dr. Blattmann launched the mobile rural public defence and created human rights offices in conflict zones, particularly in indigenous areas.

3. Activities within the United Nations system

United Nations Verification Mission in Guatemala (MINUGUA). Dr. Blattmann was appointed as head of the human rights and justice component, with responsibility for the verification and implementation of the Comprehensive Agreement on Human Rights established by the Peace Agreements.

4. Judicial experience

Attorney within the Bolivian judicial system since 1973.

5. International awards

Mr. Blattmann has been honoured with outstanding international and national human rights awards including:

- Carl Bertelsmann Prize 2001, awarded by the Carl Bertelsmann Foundation, Germany.
- Doctor Honoris Causa, University of Basel, Switzerland, 1998.
- Recognition by the Andean Commission of Jurists for his work in defence and preservation of democracy and the promotion of human rights, 1996.
- Latin American Human Rights Prize "Monseñor Leonidas Proaño", awarded by the Latin American Association of Human Rights (ALDHU), 1995.
- "Diosa Temis" Medal awarded by the Colombian Foundation on Forums and Interdisciplinary Studies, 1995.
- Honorary member of the Association of Criminal Law Experts of Bogotá and Cundinamarca, Colombia, 1995.
- Robert G. Storey International Award for Leadership, awarded by the Southwestern Legal Foundation at the University of Texas, Dallas, 1995.

6. National awards

- Coat of arms Order of Special Services, awarded by the La Paz town council, 2000.
- Distinction awarded by the National Chamber of Commerce "in recognition of his contribution to justice and law", 1997.
- Distinction awarded by the Supreme Court of Justice of Santa Cruz "for his work in modernizing the Bolivian justice system", 1997.

- Distinction awarded by the Supreme Court of Justice of Tarija "for his great contribution to justice in Bolivia", 1997.
- Honorary certificate awarded by the Association of Journalists of La Paz "for his contribution to the modernization of the laws", 1996.
- "Golden Emblem" presented by the Bolivian National Police, 1995.

7. **Languages**

Spanish (mother tongue), German, English and French.

The above aide-memoire and attached curriculum vitae reflect Dr. Blattmann's extensive experience in human rights and criminal law, his academic activities, his tenure in public office and his commitment as a United Nations international civil servant. These qualifications support Dr. Blattmann's competence to accomplish the duties of judge of the International Criminal Court.

* * *

Date of birth: 28 January 1948

Languages: Spanish (mother tongue), German, English and French.

University studies

Certificate from the Academy of American and International Law, Southwestern Legal Foundation, Institute for International and Comparative Law, Dallas, United States of America, 1980;

Attorney, Universidad Boliviana, National Council of Higher Education, La Paz, Bolivia, 1973;

Diplomas in comparative law, International Association of Comparative Law, International Faculty for the Teaching of Comparative Law, 1972:

First cycle: Strasbourg, France;

Second cycle: Pescara, Italy.

First degree in law, University of Basel, Faculty of Law, Basel, Switzerland, 1972.

Academic career

Bolivian Catholic University, La Paz, 1993-1994: Professor of Criminal Law, Faculty of Law.

San Andrés State University, La Paz, Bolivia, 1973-1994:

Professor of Criminal Law;

Professor at the Social Sciences Research Institute;

Delegate to the Criminal Law Conference sponsored by the University of Chile (President of the Commission), Valparaiso, Chile;

Professor at the Institute of International Studies;

General Secretary;

Acting Director of the Institute of International Studies.

Professional activities

Director of the Andean Commission of Jurists, 1997-2002;

President of the Foundation for Democracy, Justice and Solidarity (DEJUSOL), 2001;

Chief of the human rights and justice component of the United Nations Verification Mission in Guatemala (MINUGUA), 1998-2000;

Minister of Justice of Bolivia (ministry comprising the vice-ministries of justice and human rights), with responsibility for national policy on the promotion and protection of human rights, 1994-1997;

Attorney with an independent practice within a firm, specializing in criminal law and general law, 1975-1993;

International lecturer on issues related to human rights and justice (Argentina, Bolivia, Chile, Ecuador, Germany, Guatemala, Haiti, Japan, Netherlands, Peru and the United States of America).

Membership

La Paz Bar Association;

Bolivian Bar Association;

Andean Commission of Jurists, 1996;

Honorary life membership of the Wilshire Bar Association, Los Angeles, United States of America, 1977.

Recognition/Awards

International awards

2001	Carl Bertelsmann Prize 2001, awarded by the Carl Bertelsmann Foundation of Germany, following a selection process involving 39 countries undergoing transformation, for his "outstanding contribution to the development of the rule of law, the strengthening and expansion of participation by Bolivian society, and the successful transformation of political systems and development processes".
1998	Doctor Honoris Causa of the University of Basel, Switzerland, in specific recognition of his "tireless efforts to modernize the justice system, the implementation of judicial reforms and his ongoing commitment to the defence of human rights".
1996	Recognition by the Andean Commission of Jurists for "defending democracy and promoting human rights".
1995	Latin American Human Rights Prize "Monseñor Leonidas Proaño", awarded by the Latin American Association of Human Rights, for "his contribution to the cause of peace, justice and human rights".

1995	"Diosa Temis" Medal, awarded by the Colombian Foundation on Forums and Interdisciplinary Studies, for "his invaluable efforts on behalf of law and justice".
1995	Honorary member of the Association of Criminal Law Experts of Bogotá and Cundinamarca, Colombia.
1995	Robert G. Storey International Award for Leadership, awarded by the Southwestern Legal Foundation at the University of Texas, Dallas, United States of America.

National awards

2000	Coat of Arms, Order of Special Services, awarded by the La Paz town council.
1997	Distinction awarded by the National Chamber of Commerce "in recognition of his contribution to justice and law".
1997	Distinction awarded by the Supreme Court of Justice of the Department of Santa Cruz "for his work in modernizing the Bolivian justice system".
1997	Distinction awarded by the Supreme Court of Justice of the Department of Tarija "for his great contribution to justice in Bolivia".
1996	Honorary certificate awarded by the Association of Journalists of La Paz "for his contribution to the modernization of the laws".
1995	Golden Emblem award from the Bolivian National Police.

Main legal reforms implemented in the area of human rights as Minister of Justice of Bolivia

Act abolishing imprisonment and detention for debt, 1994.

Act exempting minors and elderly persons from imprisonment, 1995.

Act on guarantees against delays in the criminal justice system, 1996.

Implementation of the national public defence programme, through nationwide offices, and the mobile rural public defence system.

Opening of the first human rights office in Chimore, Chapare (establishment of an arm of the executive branch for the defence and promotion of human rights in indigenous conflict areas).

Reform of the Criminal Code in areas relating to legal protection, the rule of law, constitutional guarantees, public security and the fight against organized crime and corruption, 1997.

Draft bill on the Code of Criminal Procedure, focusing on citizen guarantees, the introduction of oral proceedings and recognition of the indigenous community justice system, submitted to and adopted by Congress.

Draft bills establishing the Council of the Judiciary, the Constitutional Court and the Ombudsman, submitted to and adopted by Congress.

2. Boggiano, Antonio (Argentina)

[Original: Spanish]

Note verbale

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and has pleasure in nominating Dr. Antonio Boggiano as a candidate for the election of judges of the International Criminal Court, which is to be held at the next session of the Assembly of States Parties scheduled to open on 3 February 2003.

Dr. Boggiano is currently a judge at the Supreme Court of Argentina. The nomination is in accordance with the procedure indicated in article 36, paragraph 4 (a) (i), of the Rome Statute in that the candidate is currently a member of the highest court in the country and was appointed to that office in accordance with the procedures provided for in the Argentine Constitution.

He fulfils the requirements for inclusion in both lists. Dr. Boggiano is a recognized expert in private and public international law. He also has extensive experience of international criminal law and a lengthy academic career in the area as he is a university professor of private international law, which in Argentina includes subjects related to international criminal law.

He is being put forward as a candidate for list B.

...

Statement of qualifications

Date of birth: 21 October 1946

Languages: English, French, Spanish and Italian

Reads: German

University degrees

Lawyer. Degree from the Faculty of Legal Sciences of the Universidad del Salvador on 29 October 1971. Completed studies on 1 June 1971.

Doctorate in legal sciences (summa cum laude) from Pontificia Universidad Católica de Argentina "Santa María de los Buenos Aires" on 29 August 1980. He defended his thesis on 5 December 1979 on the topic "the concept of private international law and its application in certain civil and commercial institutions" before a panel composed of Professors Werner Goldschmidt, Jorge Joaquín Llambías and Jaime Luis Anaya. Thesis adviser Germán J. Bidart Campos. The thesis was published under the title "*Del Viejo al Nuevo Derecho Internacional Privado. Mediante la cooperacion de las organizaciones internacionales*" (From the old private international law to the new with the help of international organizations), Ed. Depalma, Buenos Aires, 1981.

Books published

Private international law

La doble nacionalidad en Derecho Internacional Privado. Buenos Aires, Depalma, 1973.

Derecho Internacional Privado, 1st ed., Buenos Aires, 1978; 2nd edition, 2 vols., Buenos Aires, 1983; supplement and appendix to the 2nd edition, 3 vols., Buenos Aires, 1988; 3rd edition, Abeledo-Perrot, Buenos Aires, 1992; 4th edition, 3 vols., Buenos Aires, 2000; 4th vol. on www.lexisnexis.com.ar.

Del Viejo al Nuevo Derecho Internacional Privado. Mediante la cooperación de las organizaciones internacionales. Buenos Aires, 1981.

Sociedades y grupos multinacionales. Buenos Aires, 1985.

El Divorcio en la Corte. Buenos Aires, 1987.

Obligaciones en Moneda Extranjera. Buenos Aires, 1987; 2nd edition, 1991.

Contratos Internacionales. Buenos Aires, Depalma, 1990; 2nd edition, Buenos Aires, 1995.

International Standard Contracts. The Price of Fairness. Dordrecht, Boston, London, 1991.

Por qué una Teoría del Derecho. Introducción a un Derecho Constitucional. Buenos Aires, 1992.

La Conferencia de La Haya de Derecho Internacional Privado en Latinoamérica/ The Hague Conference on Private International Law in Latin America. Buenos Aires, 1993.

Relaciones Judiciales Internacionales/International Judicial Relations. Buenos Aires, 1993.

Curso de Derecho Internacional Privado. Derecho de las Relaciones Privadas Internacionales. 1st edition, Buenos Aires, 1993; 2nd edition, Buenos Aires, 2000; 3rd edition, Buenos Aires, 2001.

Public international law

Introducción al derecho internacional. Relaciones exteriores de los Ordenamientos Jurídicos. Buenos Aires, 1995.

Teoría del Derecho Internacional. Las Relaciones entre los Ordenamientos Jurídicos. "Ius Inter Iura". Buenos Aires, 1996.

Derecho Internacional y Derecho de las Relaciones entre los Ordenamientos Jurídicos. Ius Inter Iura. Buenos Aires, 1997.

Derecho Internacional Público y Privado del Mercosur en la Jurisprudencia de la Corte Suprema de la Nación Argentina. Buenos Aires, 3 vols., 1998.

Derecho Internacional AD 2000. La Ley, Buenos Aires, 2000.

Derecho Internacional. Derecho de las Relaciones entre los Ordenamientos Jurídicos y Derechos Humanos. La Ley, Buenos Aires, 2001.

Reviews of books published

La doble nacionalidad en Derecho Internacional Privado, Buenos Aires, Depalma, 1973; commentary Lisbonne, *Revue international de droit comparé*, 1974, No. 4, p. 904; Jochen, *RabelsZ* 41, 1977, No. 2, p. 429.

Derecho Internacional Privado, 1st ed., Buenos Aires, 1978; commentary Greño Velasco, L.L., 1979-A, p. 885; Lisbonne, *Revue international de droit comparé*, 1981, No. 1, p. 198 and ff.; Batiffol, *Revue critique de droit international privé*, 1980, p. 213 and ff.; Jayme, *RabelsZ* 48, 1984, p. 606 and ff.; 2nd ed., 2 vols., 1983; commentary Batiffol, *Revue critique de droit international privé*, 1985, No. 2, p. 423; Giuliano, *Rivista de diritto internazionale privato e processuale*, 1985, year XXI, No. 4, p. 927; Guastavino, L.L., 1986-D, p. 1188 and ff.; L. E. Palacio, L.L., 1989-C, p. 1367; Picone, *Rivista di diritto internazionale*, 1987, p. 1036; Mitre, *La Nación*, 23 October 1988; 3rd ed., 3 vols., 1991, commentary Ancel, *Rev. critique de droit international privé*, 1995, No. 1; Pocar, *Rivista di diritto internazionale privato e processuale*, 1995; Jayme, *RabelsZ* 61, 1997, p. 581; 4th ed., 3 vols., 2000.

Curso de Derecho Internacional Privado, ed. Abeledo-Perrot, Buenos Aires, 1993. Commentary Perugini, L.L., 1995-C, p. 1395-1396.

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Obligaciones en moneda extranjera. Estudios de derecho privado comparado y derecho internacional privado, Ed. Depalma, Buenos Aires, 1987; commentary by Vidal Taquini, L.L., 1989-E, p. 1329; Etchebarne Bullrich, L.L., 1991-E, p. 1579.

Articles published

"*Problemas de Derecho Internacional Privado*", *Jurisprudencia Argentina*, 8-1970, pp. 101-109.

"*Jurisdicción internacional y competencia interna*", *Jurisprudencia Argentina*, 11-971, pp. 195-201.

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"*Conflictos de jurisdicción internacional ante al Corte Suprema de Justicia de la Nación*", *El Derecho*, 62-619-628.

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"*El Derecho Internacional Privado actual a la luz del iusnaturalismo clásico*". *Prudentia Juris, Revista de la Facultad de Derecho y Ciencias Políticas de la Pontificia Universidad Católica Argentina Santa María de los Buenos Aires*, August 1980, pp. 101-140.

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"International Contracts in Argentina", *Rabels Zeitschrift für ausländisches internationales Privatrecht*, 47 Jahrgang 1983, Heft 3, pp. 431-477.

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"*Contratos internacionales de colaboración empresaria*", *El Derecho*, vol. 113, pp. 765-768.

"*Lugar de pago de las obligaciones internacionales en moneda extranjera*", *Revista de Derecho Comercial y de las Obligaciones*, 1985, Nos. 103/104, pp. 29-62.

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"*Crise et déppasement des préférences locales dans la faillite transnational en Argentine*", *Revue critique de droit international privé*, 1987, No. 3.

"Perspectives of a Flexible Uniform Law in Latin American Countries", *Unidroit Congress on Uniform Law in Practice*, Oceana, New York/Rome, 1988, pp. 28 and ff.

"*Contrato Internacional de Trabajo*", *La Ley*, 1987-C, p. 773.

"*Criterios para desestimar la separación jurídica de las sociedades anónimas controladas por el Estado*", *La Ley*, 1987-B, p. 795.

"*El Fondo Monetario Internacional en la jurisprudencia de la Corte Suprema de Justicia de la Nación*", *La Ley*, 12 July 1988.

"*Ultima ratio legis. Crítica al fallo de la Corte en el caso Sejean*", *El Derecho*, vol. 121, p. 909.

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"*La reforma del matrimonio civil ante el fallo de la Corte Suprema y la Convención Interamericana de los Derechos Humanos*", *El Derecho*, vol. 122, p. 991.

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"*El Poder Normativo del Caso. Del precedente a la norma. Commentary al fallo de la Corte en el caso 'Automotores Saavedra v. Fiat'*", *La Ley*, 1989-B, p. 1.

"*En las Fronteras del Poder Judicial*", *La Ley*, 25 June 1989.

"*El arbitraje y la amigable composición*", *El Derecho*, vol. 135, p. 893.

"The Continuance of the Legal System in Private International Law", *Liber Amicorum Prof. Alfred von Overbeck*, Freiburg, Germany, 1990.

"*Derecho internacional público, derecho natural y derecho internacional privado. ¿Escisión entre iusnaturalismo y positivismo jurídico?*" *La Ley*, 1990-B, p. 1082.

"*Contratos petroleros internacionales. Introducción a un nuevo derecho internacional del desarrollo*". *La Ley*, 1991-B, p. 730.

"*Comparaciones entre la Comunidad Europea y el Mercosur*", Coimbra, Portugal, 1994.

"*Los métodos de determinación del derecho aplicable según el reglamento de arbitraje de la Cámara de Comercio Internacional. A propósito de la sentencia de la Corte de Apelaciones de París del 13 July 1989 in re 'Cía. Valenciana de Cementos Portland, S.A. vs. Primary Coal Ins.'*", *El Derecho*, vol. 141, p. 977.

"*Curso de Derecho Internacional Privado. Derecho de las relaciones privadas internacionales*". *La Ley*, 1995-C, p. 1395.

"*Introducción al derecho internacional. Relaciones exteriores de los ordenamientos jurídicos*". *La Ley*, 1995-D, p. 1606.

"*Para una teoria de la revisión judicial*". *La Ley*, 1995-E, p. 899.

"*Presentación al Derecho Internacional AD 2000 en la Jurisprudencia de la Corte Suprema de Justicia de la Nación Argentina. Derecho de las relaciones entre los ordenamientos jurídicos*". *La Ley*, 2000-B, p. 1078.

University teaching career in Argentina

Faculty of Law and Social Sciences of the University of Buenos Aires

Assistant by competition (graded "excellent") 16 September 1971, Department of Private International Law.

Following the establishment of the Chair of Private International Law, Acting Professor, 19 February 1975.

Head of Research at the Institute of Comparative Law, 14 October 1975.

Head of Research of the Centre for Documentation and Research into Comparative Law, 9 March 1976.

Acting Deputy Professor of Private International Law, 26 May 1976.

Acting Deputy Professor, 28 March 1977.

Acting Deputy Professor, 7 March 1978.

Acting Deputy Professor, 6 April 1979.

Acting Deputy Professor, 17 March 1980.

Acting Deputy Professor, 30 March 1981.

Acting Deputy Professor, 15 December 1981.

Acting Deputy Professor, 1982.

Professor, appointed by competition pursuant to the Vice-Chancellor's decision of 15 December 1982, rescinded by the Vice-Chancellor's decision No. 858/85, which was struck down by a decision of the Court of Appeals dealing with administrative matters on 15 May 1987, published in *El Derecho*, volume 127, p. 202, with a note by Juan Ramón de Estrada. As a result retained the position of Professor pursuant to the Vice-Chancellor's decision of 15 December 1982.

Professor by competition pursuant to decision dated 26 August 1998 of the Governing Board of the Faculty of Law and Social Sciences.

Pontifica Universidad Católica Argentina "Santa Maria de los Buenos Aires", Faculty of Law and Political Science

Assistant Professor of Private International Law, 1971-1972.

Deputy Professor of Private International Law, 1973-1983.

The Governing Board, acting by unanimous decision, appoints him Professor of the University on the proposal of the Faculty of Law and Political Science, 9 September 1977.

Director of the Private Law Section of the Institute of Research and Teaching, with the rank of professor, corresponding to doctorate in legal sciences, 1 April 1984.

Professor of Private International Law since 1 April 1984.

Professor of Commercial Law II since 1 April 1985.

Professor in charge of the course on international trade law and customs regime for the doctorate specializing in business law.

Licensed.

Universidad del Salvador, Faculty of Legal Sciences

Assistant Professor of Private International Law, 1971-1973.

Deputy Professor of Private International Law, 1973-1975.

Professor of Private International Law, since 1975.

Professor of Research Methodology for the Doctorate in judicial practice.

Licensed.

Universidad Nacional del Litoral, Faculty of Legal and Social Sciences

Professor, Department of Private International Law from 1 September 1976 until 1 February 1982.

Engaged to lecture on Private International Law, March-June 1982.

Nominations and posts held in the courts

Assistant lawyer at the Supreme Court, 1973-1974.

Lawyer at the Supreme Court, 1974-1975.

Judge at the Commercial Court of First Instance, 1975.

Confirmed in the position of judge at the Court of First Instance by Decree of 31 July 1976; occupied that position until 8 February 1981.

Judge of the Commercial Court of Appeal, Chamber "E", Decree of 5 December 1980. Sworn in on 8 February 1981.

Confirmed by Executive Decree on 13 March 1984 in accordance with the constitutional powers, having been approved by the Senate, as judge of the Commercial Court of Appeal.

Judge of the Supreme Court, 11 June 1991.

President of the Supreme Court, 23 April 1993.

Judge of the Supreme Court.

The Hague Academy of International Law

Invited by The Hague Academy of International Law to lecture on international standard contracts in July 1981; it was later published under the title "International Standard Contracts. A Comparative study" in *Recueil des Cours de l'Academie de droit international*, 1981-I, pp. 9-113.

Invited in 1992 by the Academy to lecture on the influence of The Hague Conference on Private International Law in Latin America. Published in *Recueil des Cours de l'Academie de droit international*, 1992-II, p. 233.

Max-Planck Institute (Hamburg)

Invited by the Max-Planck Institute für ausländisches und internationales Privatrecht to conduct research into international trade contracts, September to October 1980.

At the Institute, lecture/debate moderated by the Director of the Institute, Professor Ulrich Drobnig on the autonomy of parties to international contracts, 2 October 1980, with the participation of researchers from the Fellow Institute, 1985, 1987, 1992.

Swiss Institute of Comparative Law (Dorigny, Lausanne)

Invited by the President, Professor Alfred von Overbeck, to lecture on the United Nations Convention on Contracts for the International Sale of Goods.

British Institute of International and Comparative Law (London)

Member, invited by the President, Lord Hoffman, to lecture on 8 September 1994.

Representation at Inter-American Diplomatic Conferences on Private International Law

A member of the working group which reviewed the conventions adopted by the first Inter-American Specialized Conference on Private International Law (CIDIP-I) and draft conventions for the second Inter-American Specialized Conference on Private International Law (CIDIP-II). Records of meetings of the group and collaboration in drafts submitted by the Argentine delegation.

Member of the Argentine delegation to the Second Inter-American Specialized Conference on Private International Law, held at Montevideo from 23 April to 8 May 1979. Records of the said conference containing the statement he made as Argentine delegate. See the publication *Organization of American States*. Final Act and documents of the Second Inter-American Specialized Conference on Private International Law, vols. I-III, Washington, 1980, particularly vol. II, pp. 13, 37 and 38; vol. III, pp. 23, 119, 193, 194, 200, 201, 207, 209, 264, 268, 276-278, 280 and 290.

Collaboration in drafts presented by the Argentine delegation: draft amendments on implementation of precautionary measures decreed in legal proceedings in respect of civil and commercial matters. Records, vol. II, p. 311.

Draft articles on evidence under the laws of other countries and information on legal norms in force in countries in the Americas, ibid., p. 371.

Draft convention on conflict of laws in respect of commercial companies, ibid., vol. III, p. 335.

Draft amendments on domicile in private international law, ibid., vol. III, p. 383.

Draft amendment on general rules of private international law, ibid., vol. III, p. 414.

Draft amendment on legal personality under private international law, ibid., vol. III, p. 443.

Member of the Argentine delegation to the Third Inter-American Specialized Conference on Private International Law (CIPID-III), La Paz, 15-24 May 1984.

Head of the Argentine delegation to the Fourth Inter-American Specialized Conference on Private International Law, Montevideo, 8-16 July 1989. Study requested of the author concerning international contracts was the basis for the relevant resolutions of the Conference; see *Contratos Internationales*, Buenos Aires, 1990 under "books published".

Authorized to sign the final act of the Conference.

Representation at the United Nations Commission on International Trade Law and diplomatic conferences (New York, Vienna)

Representative of the Argentine Republic to the United Nations Commission on International Trade Law, appointed on 19 April 1979.

Representative of the Argentine Republic to the twelfth session of UNCITRAL, Vienna, 1979.

Dealt with issues relating to international commercial contracts, international payments, international commercial arbitration, new international economic order, transportation law, training and assistance concerning international trade law, ratification of the United Nations Convention on the Carriage of Goods by Sea, 1978 and future work.

Report on the said twelfth session.

Member of the working group set up to examine the draft convention on contracts for the international sale of goods which the Commission adopted.

Advisory opinions issued in the working group.

Representative of the Argentine Republic to the eighteenth session of UNCITRAL.

Report on the eighteenth session submitted to the national Executive.

United Nations Conference on Contracts for the International Sale of Goods, Vienna, 1980

Member of the Argentine delegation to the Conference, held in Vienna from 10 March to 11 April 1980, as Permanent Representative of Argentina to UNCITRAL.

Statements reflected in summary records A/CONF.97/C.1/SR.4, paras. 22, 42, 66; A/CONF.97/C.1/SR.6, para. 77; A/CONF.97/L.3; A/CONF.97/C.1/SR.5, paras. 12 and 28 inter alia.

Was designated by the First Committee of the Conference to be on all the working groups. Accordingly, was a member of the working group on article 23, article 33, article 51, articles 62 and 63, article 69 and article 77.

Representative to The Hague Conference on Private International Law

Delegate of the Argentine Republic to the meeting of the special committee that met in The Hague from 4 to 8 February 1980 to consider the future work of The Hague Conference on Private International Law. Alternate representative of Argentina to The Hague Conference on Private International Law appointed on 29 October 1980. He issued advisory opinions on the following Hague conventions:

The Convention relating to civil procedure of 1954.

The Convention on the law applicable to international sales of goods of 1955.

The Convention concerning the recognition of the legal personality of foreign companies, associations and institutions of 1956.

The Convention on the law applicable to the transfer of title in international sales of goods of 1958.

The Convention on the jurisdiction of the selected forum in the case of international sales of goods of 1958.

The Convention on the law applicable to product liability of 1973.

The Convention on the law applicable to agency of 1978.

Nomination on 8 November 1982 as alternate representative of Argentina to The Hague Conference, to attend the meeting of the special conference to review the Convention of 1955 on the law applicable to international sales of goods, The Hague, 6 to 15 December 1982.

Appointed on 21 March 1983 to attend the fourth session of working group on the new international economic order and the sixteenth session of UNCITRAL in Vienna from 16 May to 3 June 1983 as representative of Argentina to UNCITRAL.

Representative of the Argentine Republic, as alternate delegate to The Hague Conference, to the meeting of the special committee to prepare for the special conference to review the 1955 Convention on the law applicable to international sales of goods, The Hague, 7 and 8 November 1983.

Appointed representative of Argentina to the fifteenth session of The Hague Conference on Private International Law on the law applicable to trusts.

Report of the fifteenth session presented to the national Executive.

Appointed on 12 September 1985 member of the Argentine delegation to the diplomatic conference on the law applicable to contracts for the international sale of goods, The Hague, 1985.

Elected Vice-President of the conference.

Report of the conference submitted to the national Executive.

Attended the meeting of the special committee on private international law concerning succession, The Hague, 21-27 November 1986.

Proposal by the conference authorities in September 1986 that Professor Boggiano be made Vice-Chairman of the special committee on private international law concerning succession issues and chairman of the drafting group, which proposal was accepted by the Argentine Foreign Ministry.

Elected Vice-Chairman of that special Committee and chairman of the drafting group on 17 November 1986, by acclamation.

Member of the special commission on international adoptions.

Representative to The Hague Conference on Private International Law to mark its 100 years (1994).

Member of the special commission on recognition and enforcement of foreign judgements (1992-2000).

International Institute for the Unification of Private Law (UNIDROIT)

Appointed on 12 March 1986 as Special Rapporteur to report on the item "the experience of Latin American countries" at the international congress to be held in Rome from 1 to 4 September 1986 under the general title "Uniform law in practice". See "Articles published".

"International collaborator" of UNIDROIT since 1984.

Elected member of the Governing Council, Rome, 2 December 1993, for the period 1994-1999.

Re-elected for the period 1999-2005.

Participated in meetings of the Governing Council since May 1994.

Court of Arbitration of the International Chamber of Commerce

Appointed ad hoc Arbitrator by the Court of Arbitration of the International Chamber of Commerce at its meeting of 20 November 1984.

Arbitral award issued on 17 December 1986 published in the *Yearbook of International Arbitration*, 1989.

Court of Arbitration of the Buenos Aires Commodities Exchange

Permanent Arbitrator, December 1987-May 1991.

International honours and invitations awarded and extended by foreign universities and Governments

Invited by the Max Planck Institute für auslandisches und internationales Privatrecht, Hamburg, September-October 1980.

Invited by The Hague Academy of International Law, July 1981.

Invited by the University of Geneva, lectured on 15 December 1982 and 31 January 1985.

Invited by the Europa Institute of the University of Sarr, Federal Republic of Germany, lecture given on 1 February 1985.

Invited by Swiss Institute of Comparative Law, Lausanne, 1985, 1986 and 1987.

Invited by the University of Navarra, Spain. Lectured on 4 November 1983, courses in 1994, 1996 and 1997.

Invited as visiting researcher by Harvard Law School.

Member of the International Institute of Business Law and Practice of the International Chamber of Commerce, Paris.

Invited by the Universidad Autónoma de Madrid and by the Universidad Complutense de Madrid, inter alia, 1985 and 1987.

Lecture given on 5 November 1985.

Associate member of the Hispano-Ruso-American Institute of International Law.

Scientific collaborator of the International Institute for the Unification of Private Law (UNIDROIT), Rome.

Special Rapporteur for Latin America of the International Congress of UNIDROIT, 1987, on "Uniform law in practice".

Invited by the University of Illinois College of Law, USA.

Invited by the University of Freiburg, Switzerland.

Letter dated 2 November 1998 from the Secretary-General of The Hague Conference on Private and International Law concerning activities during the sixteenth session as Chairman of the drafting group and as Representative of Argentina. Letter enclosed.

Letter from the State Department of the United States concerning the appointment of Dr. Antonio Boggiano as Judge of the Supreme Court of Argentina.

Personal correspondence with the State Department of the United States concerning issues relating to international unification of private law.

Invited by the Government of the Federal Republic of Germany to the Constitutional Court of the Federal Republic of Germany and other German institutions, January 1993.

Invited by the United States Information Agency to visit the Supreme Court of the United States, February 1993.

Official guest of the Foreign and Commonwealth Office of the United Kingdom to examine the British legal system, October 1994.

Official guest of the Federal Republic of Germany, March 1995.

Commissioned by the University of Naples, Italy, 1990.

Lectured at the University of Uppsala, Sweden, May 1998.

Commissioned by La "Sopiensa University", Rome, 1999.

Invited by the Universities of Parma, Pavia, Florence and Bologna, Italy, 1999.

Invited by the Libera Università Internazionale degli Studii Sociali, Rome, January 2000.

Commission for the study of amendments to the Civil Code

Member of the Commission established on 17 May 1995.

Head of the Argentine delegation, as President of the Supreme Court of Argentina, to the World Conference on Human Rights, Vienna, June 1993

Special statement on "iuris gentium" crimes.

Permanent Court of Arbitration of The Hague

Judge at the Permanent Court of Arbitration (12 January 1996).

Argentine Council for International Relations

Member of the Council by unanimous decision since 1989.

The Royal Institute of International Affairs

Foreign member.

Contribution to the development of the judicial decisions of the Supreme Court of Argentina concerning private and international law

See the judicial decisions of the Supreme Court of Argentina in the book *Teoría del Derecho Internacional*, Buenos Aires, 1996, and in the appendix concerning judicial decisions to the book *Derecho de las relaciones internacionales*, Buenos Aires, 1997.

Influence of judicial decisions of the Supreme Court on the reform of the Constitution of 1994 as regards rules concerning international law

See an analysis of this influence in the article by Julio Oyhanarte, "*La Visión Universalista de la Corte Suprema*", published in *La Nation* on 25 June 1995 and in *La Ley* 1995-D, p. 1606 and in *Teoría del Derecho Internacional*, by Boggiano, p. 1221.

Concerning this influence see also the commentary by Professor Rainer Jofmann from Colonia, published in *Zeitschrift für auslandisches und offentliches Recht und Völkerrecht*, 1995, p. 1246. See the translation in *Teoría del Derecho Internacional*, by Boggiano, p. 1125.

Judgements, separate opinions and dissenting opinions by Judge Boggiano on international criminal law, extradition and human rights cases by the Supreme Court

Colleccion de Fallos de la Corte Suprema de Justicia de la Nación, see bibliography of Judge Antonio Boggiano under the title "Fallos" in the official collections.

Selection of judgements in *Introduccion al Derecho Internacional Privado*, 1995.

Selection of judgements in *Teoría del Derecho Internacional. Las relaciones entre los ordenamientos jurídicos, Ius Inter Iura*, pp. 602, 632, 637, 657, 734, 740, 755, 759, 787, 799, 821, 860, 868, 922, 939, 944 and 973.

Selection of judgements in *Derecho Internacional* and *Derecho de las Relaciones entre los ordenamientos jurídicos. Ius Inter Iura.*

Complete collection of judgements in *Derecho Internacional Público y Privado y Derecho del Mercosur en la Jurisprudencia de la Corte Suprema de Justicia de la Nación Argentina*. See the thematic index of judicial decisions, index of cases, index of cases commented, index of authors cited, index of judges and officials, index of authors who commented on the judgements and *Relación de la Publicación Oficial Argentina "Fallos de la Corte Suprema de Justicia de la Nación"*, with that work.

Selection of judgements in *Derecho Internacional* A.D. 2000, pp. 1298, 897, 1350, 981, 1199, 946, 1223, 1135, 857, 1394, 1169, 1088, 849, 1083, 1179, 1157, 886, 1216, 1375, 1131, 893 and 1232.

Collection of judgements in *Derecho Internacional, Derecho de las Relaciones entre los Ordenamientos Jurídicos y Derechos Humanos*, pp. 273, 290, 304, 320, 330, 336, 341, 348, 361, 381, 412, 419, 428, 430, 439, 464, 468, 472, 485, 491, 528, 539, 548, 575, 616, 635, 645, 654, 662, 667, 670, 675, 681, 696, 704, 712, 724, 737 and 765.

Latest judgements not yet published

Mainhard Edgard Walter on remedy of cassation. Judgement of 27 September 2001.

Gómez Gomez Alfredo y Gonzales Sebastián on extradition. Judgement of 16 October 2001.

Freidburg de Peralta Regina Carlota on reports of theft. Judgement of 6 November 2001.

Felicetti, Roberto and others. Judgement of 7 December 2001.

Mera Collazos, Julio y Silvia Diaz, Maria on extradition. Judgement of 16 April 2002.

Blasco, Juan Roberto. Judgement of 15 August 2002.

Alonso Jorge Francisco. Judgement of 19 September 2002.

Arla Pita Tamara y otros on extradition. Judgement of 31 October 2002.

Attached please find a copy of each work cited published by *La Ley*.

The work *Derecho Internacional Privado*, in four volumes, can be found at www.lexis-nexis.com.ar, particularly volume 3, chapter XXXVI, pages 1 to 621.

3. Bossuyt, Marc (Belgium)

[Original: English/French]

Note verbale

The Permanent Mission of the Kingdom of Belgium to the United Nations presents its compliments to the Under-Secretary-General for Legal Affairs and has the honour to refer to the note dated 13 September 2002 from the Secretary-General of the United Nations entitled "Election of the judges to the International Criminal Court".

The Permanent Mission wishes to inform the Under-Secretary-General for Legal Affairs that the Belgian Government has decided to nominate Professor Marc Bossuyt for the post of judge at the International Criminal Court.

In view of Professor Bossuyt's professional experience (professor of international law, United Nations human rights expert and judge at the Court of Arbitration of Belgium), he is being nominated under list B for the purposes of article 36, paragraph 5, of the Rome Statute of the International Criminal Court.

...

It is appropriate at this juncture to draw attention to the Belgian candidate's competence in fields such as:

- The in-depth analysis of complex dossiers on human rights situations;
- The prevention of discrimination, including racial discrimination;
- The protection of minority rights;
- International humanitarian law.

... The nomination procedure referred to in article 36, paragraph 4 (a) (i), of the Rome Statute (nomination of candidates for appointment to the highest judicial offices) varies in Belgium according to which of the higher courts (the Court of Arbitration or the Court of Cassation) is involved. Since the bill implementing the relevant provisions of the Statute of the International Criminal Court in Belgian domestic law had not yet been adopted, an ad hoc procedure had to be devised. The procedure followed ensured the advertisement, transparency and quality of the selection process (see the call for candidates in the *Moniteur belge* of 3 May 2002).

Statement of qualifications

In accordance with paragraph 7 of the resolution on the procedure for the election of judges at the International Criminal Court and article 36 of the Rome Statute of the International Criminal Court, the Belgian Government has the honour to transmit the following nomination statement on the aforesaid candidature:

A. Information on Professor Bossuyt's moral qualities (cfr. article 36, paragraph 3, subparagraph (a) of the Statute)

For several of Professor Bossuyt's professional activities, qualities such as a high moral character, impartiality and integrity were explicit formal prerequisites:

- He served in his personal capacity (1981-1985 and 1992-1999) as one of the 26 independent experts in the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities (since 1999, Subcommission on the Promotion and Protection of Human Rights). In 2000, he was elected a member of the Committee on the Elimination of Racial Discrimination. Article 8 of the Convention on the Elimination of All Forms of Racial Discrimination defines members of that Committee as "18 experts of high moral standing and acknowledged impartiality".
- In his capacity as Commissioner-General for Refugees and Stateless Persons (1987-1997), he headed the independent administrative authority in charge of the procedure for the determination of the status of refugee in Belgium.
- As Chair/Rapporteur of the Working Group on the Draft Declaration of the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 2001), he contributed significantly to the conclusion of delicate and sensitive negotiations.

In 1997, he was appointed judge at the Court of Arbitration (*Cour d'arbitrage*), the Belgian Constitutional Court operating independently from the legislative, judiciary and executive powers. Hence, he fulfilled the conditions listed in paragraph 1, subparagraph (b), of the Special Law of 6 January 1989 on the Court of Arbitration.

B. Information on the Belgian candidate's professional qualities (cfr. article 36 (3) (b) of the Statute)

As the following survey illustrates, Marc Bossuyt has established competence:

- In the area of human rights law, e.g., as professor of international law as well as in various capacities in the United Nations system for the promotion of human rights;
- In the area of humanitarian law, e.g., as Belgian Commissioner-General for Refugees and Stateless Persons;
- In a professional legal capacity, which is of relevance to the judicial work of the Court: since 1997, he has served as a judge at the Court of Arbitration, the Belgian Constitutional Court.

I. Competence in the area of human rights law

(a) Academic background

After his graduation as *Doctor Juris* from law school at Ghent University, Belgium, in 1968, Marc Bossuyt opted to specialize in human rights law, as is illustrated by the following academic titles:

- Diploma of International and Comparative Law of Human Rights of the International Institute of Human Rights, Strasbourg, France (1972)
- "Docteur ès sciences politiques" of the University of Geneva (Graduate Institute of International Studies), with a Ph.D. thesis on "L'interdiction de la discrimination dans le droit international des droits de l'homme" (The prohibition of discrimination in the international law of human rights).

(b) Academic career

Marc Bossuyt has been a professor at the University of Antwerp, Belgium, since 1977. He teaches international law and the law of international organizations, including the international protection of human rights and international humanitarian law.

Universities in Africa, North America and Europe have frequently invited him as a visiting-professor. In addition, he has given numerous lectures, mainly on human rights law.

Furthermore, he has published extensively on various aspects of international human rights law and refugee law, in books, articles, reports, etc. Full details can be found in the curriculum vitae attached hereto.

(c) United Nations system for the promotion of human rights

In various capacities Professor Marc Bossuyt played a very active role in a number of United Nations bodies for the promotion of human rights, such as:

1. *United Nations Subcommission on Prevention of Discrimination and Protection of Minorities (since 1999, Subcommission on the Promotion and Protection of Human Rights)*

    - Mandates: 1981-1983, 1984-1985, 1992-1995 and 1996-1999
    - Rapporteur (1992 and 1997) and Vice-Chair (1983 and 1999)
    - Member (1982-1984) and Chair/Rapporteur (1985) of the Working Group on Human Rights Communications
    - Field mission in Mauritania (1984)
    - Member (1996-1997) of the Working Group on Contemporary Forms of Slavery
    - Special Rapporteur for studies on:
        - The second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (1985-1988), adopted by the General Assembly in 1989
        - The concept and practice of affirmative action (1999-2002)

    The members of the Subcommission are elected by the Commission on Human Rights.

2. *United Nations Commission on Human Rights*

    - Representative of Belgium to the Commission on Human Rights (1986-1988 and 1989-1991)
    - Vice-Chair in 1986 and Chair of the Commission in 1989 when it adopted the Convention on the Rights of the Child and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

- Member (1987) and Chair/Rapporteur (1988) of the Working Group on Human Rights Situations

3. *Committee on the Elimination of Racial Discrimination*

- Member (term 2000-2004) and Rapporteur (2001)
- Members of the Committee are elected by the 158 States parties to the Convention on the Elimination of All Forms of Racial Discrimination

Relevance of this experience for the activities of the International Criminal Court

Professor Marc Bossuyt is familiar with the in-depth analysis of complex information on human rights situations. In the working groups of both the Subcommission and the Commission, he acquired valuable experience as he examined whether human rights communications revealed the existence of a consistent pattern of gross and reliably attested violations of human rights.

In view of the crimes (genocide, war crimes, crimes against humanity) to be investigated by the Court, it is worth mentioning the potential relevance of his thorough knowledge of the nature and mechanisms of racism, discrimination and non-observation of the rights of minorities, phenomena that might be linked with these crimes.

II. Competence in the area of humanitarian law

As Commissioner General for Refugees and Stateless Persons, the independent administrative authority on refugee determination in Belgium (1987-1997), Marc Bossuyt acquired an extensive knowledge of the principles and practice of international humanitarian law.

In this capacity, he examined, inter alia, applications by individuals with respect to whom there were serious reasons to consider they had committed a crime against peace, a war crime or a crime against humanity.

There may be a link between refugee situations and the crimes to be investigated by the Court (genocide, war crimes and crimes against humanity).

As a professor of international law, he dealt periodically with problems of humanitarian international law in his advanced course of international law for fifth-year law students.

III. The extensive experience of Judge Marc Bossuyt in a professional legal capacity, which is of relevance to the judicial work of the Court

In 1997, he was appointed, on the recommendation of the Belgian Senate, as judge of the Court of Arbitration, the Belgian Constitutional Court. Hence, Judge Marc Bossuyt is well acquainted with judicial procedures at the highest level.

In addition, Judge Marc Bossuyt's activities are relevant to the judicial work of the International Criminal Court, particularly since the Court of Arbitration ensures respect by the legislature of human rights and fundamental freedoms, including those guaranteed by international treaties:

- Article 142 of the Belgian Constitution gives the Court of Arbitration the exclusive authority to review regulations that have force of law for compliance with the rules that determine the respective powers of the State, the communities and the regions.

- Since the adoption of the constitutional amendment of 1988, the Court has also had the authority to pronounce judgement on any violation, by acts having force of law, of three basic rights and liberties guaranteed by the Constitution, namely the principle of equality (article 10), the prohibition of discrimination (article 11) and the right to and freedom of education (article 24).
- In its jurisprudence, the Court of Arbitration has extended its jurisdiction to include other basic rights and liberties. According to this jurisprudence, articles 10 and 11 of the Constitution have a general scope in that they forbid any discrimination, irrespective of its nature, so that the constitutional rules of equality and non-discrimination apply with respect to all rights and liberties that have been granted to Belgian citizens, either by the Constitution or by directly applicable rules of international treaties.

C. Command of the Court's working languages (cfr. article 36 (c) of the Statute)

Judge Marc Bossuyt's native language is Dutch, one of Belgium's three official languages. His excellent knowledge of written and spoken French and English is documented in his curriculum vitae attached hereto:

- He studied in English at the Bologna Centre of the School of Advanced International Studies of the Johns Hopkins University in Italy (1968/1969) and in French and English at the Institut Universitaire de Hautes Etudes Internationales/Graduate Institute of International Studies at Geneva (1969-1973).
- His doctoral thesis on "L'interdiction de la discrimination dans le droit international des droits de l'homme" was written in French. His main other publication, "Guide to 'travaux préparatoires' of the International Covenant on Civil and Political Rights", was published in English. His bibliography indicates that he publishes frequently in English and in French.
- His fluency in French and English was a distinct advantage for his various activities in the United Nations system for the promotion of human rights.

D. The choice between list A and list B (cfr. article 36 (5) of the Statute)

In view of the elements presented in section A.2 of this nomination statement and the curriculum vitae hereto attached, it is obvious that the Belgian nominee, as a professor of international law, a constitutional judge and a United Nations expert in the field of human rights, should be included on list B containing the names of candidates with the qualifications specified in article 36, paragraph 3 (b) (ii), of the Statute.

E. Information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute

The Belgian Government did take into account the following criteria as far as possible:

1. The adequate representation of the principal legal systems of the world

In nominating Professor Marc Bossuyt for the post of judge of the International Criminal Court, the Belgian Government hopes to contribute to an equitable representation of the principal legal systems of the world in the Court, notably the civil law system.

2. An equitable geographical representation

The Benelux countries have agreed to present a single candidate for election to the post of judge of the International Criminal Court, as was the case in elections for other international courts and tribunals.

In addition, for more than 50 years no Belgian national has been entrusted with a full-time mandate as judge of the International Court of Justice, the International Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda or the International Tribunal for the Law of the Sea.

3. A fair representation of female and male judges

The Belgian nomination procedure was open to both men and women. When nominating candidates for high office in the international judiciary system, the Belgian Government wishes to respect, inter alia, a gender balance.

Hence, in the recent past, female Belgian candidates were presented and elected to the post of judge at the European Court for Human Rights in Strasbourg and ad litem judge at the International Tribunal for the Former Yugoslavia at The Hague.

F. Information on the expertise of the candidate in certain areas (cfr. article 36 (8) (b) of the Statute)

Section B of this document contains information on the Belgian candidate's expertise in areas such as:

- The in-depth analysis of complex information on delicate human rights situations
- The prevention of discrimination, racism and the protection of the rights of minorities
- International humanitarian law

In addition, he presented in 2002, in his capacity as Special Rapporteur of the United Nations Subcommission on the Promotion and Protection of Human Rights, his final report on the concept and the practice of affirmative action.

G. The nationality of the candidate (cfr. article 36 (7) of the Statute)

Judge Marc Bossuyt is a national of Belgium.

* * *

Academic background

Doctor of Law, Ghent State University (1968).

Certificate of International Relations, Bologna Centre of the School of Advanced International Studies of the Johns Hopkins University (1969).

Scholarship of the Swiss Confederation (1969-1970).

Research Fellow of the Belgian "Fonds National de Recherche Scientifique" (1970-1973).

Diploma of International and Comparative Law of Human Rights of the International Institute of Human Rights, Strasbourg (1972).

"Certificat d'Etudes supérieures", Graduate Institute of International Studies, Geneva (1973).

"Docteur ès sciences politiques" of the University of Geneva (Graduate Institute of International Studies) (thesis on "L'interdiction de la discrimination dans le droit international des droits de l'homme", Brussels, Bruylant, 1976, 262 p.).

Professional career

Professional activities in Belgium

Professor of International Law and International Organizations at:

- Antwerp University (Belgium) (since 1977).
- School of Military Administrators, Brussels (1984-1993).

Commissioner-General for Refugees and Stateless Persons (1987-1997)

The Commissioner-General for Refugees and Stateless Persons is the independent administrative authority to determine the status of refugees in Belgium.

Judge at the Court of Arbitration (since 1997)

The Court of Arbitration is the Belgian Constitutional Court that ensures respect of:

- The respective competences of the Federal State, the communities and the regions in Belgium
- Human rights and fundamental freedoms, including those guaranteed by international treaties.

United Nations system for the promotion of Human Rights

United Nations Division for Human Rights at Geneva: Human Rights Officer (1975-1977)

Subcommission on Prevention of Discrimination and Protection of Minorities (since 1999, Subcommission on the Promotion and Protection of Human Rights)

- Member (1981-1985 and 1992-1999), Rapporteur (1992 and 1997) and Vice-Chair (1983 and 1999)
- Member (1982-1984) and Chair/Rapporteur (1985) of the Working Group on Human Rights Communications

- Member (1996-1997) of the Working Group on Contemporary Forms of Slavery
- Special Rapporteur for studies on:
  - A second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1985-1988), adopted by the General Assembly in 1989
  - The concept and practice of affirmative action (1999-2002)

Commission on Human Rights

- Vice-Chair (1986) and Chair (1989)
- Member (1987) and Chair/Rapporteur (1988) of the Working Group on Human Rights Situations

Committee on the Elimination of Racial Discrimination: Member (2000-) and Rapporteur (2001)

World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001): Chair/Rapporteur of the Working Group on the Draft Declaration

Miscellaneous

Visiting professor at:

- Summer session of Santa Clara University Law School (California), in Strasbourg (1979 and 1981-1983), Santa Clara (1980) and Geneva (1984 and 1986-1987)
- Law Faculty of Burundi University, Bujumbura (1980-1983 and 1985)
- Law Faculty of the National University of Rwanda, Butare (1981 and 1984)

Coordinator of a project of Assistance to the Law Faculty of the University of Burundi (1980-1987; 2000-).

Lectures, mainly on human rights, in Yerevan, Vienna, Strasbourg (France), Thesaloniki (Greece), Messina (Italy), Nijmegen and The Hague (Netherlands), Lisbon, Geneva and Lausanne (Switzerland), Warsaw, Kiev, Cape Town (South Africa), Bujumbura, Kigali and Butare (Rwanda), Nouakchott, Banff, Calgary, Montreal and Winnipeg (Canada), Buffalo, Cambridge, Denver, Santa Clara, South Bend and Washington, D.C. (United States of America).

Human rights missions to:

- Suriname (1983), on behalf of the International Commission of Jurists
- Mauritania (1984), on behalf of the United Nations Subcommission on Human Rights
- Slovakia and Hungary on behalf of the ECSC High Commissioner on National Minorities (1993)

Official visits (1990) to Amman, to Islamabad and to refugee camps in Peshawar.

In his capacity as Commissioner-General for Refugees: informal consultations on refugee issues in Geneva, Dardagny, Semmering, Evian, Niagara-on-the-Lake and Scheveningen.

Numerous lectures on refugees and asylum seekers, especially in Belgium.

Member of Scientific Committee of the United Nations/Comparative Regional Integration Initiative, Collège de l'Europe, Bruges (since 2001).

Member of the Advisory Council of the *Revue belge de droit constitutionnel* (2001-).

Member of the Scientific Council of the International Institute of International Relations (since 1998).

Vice-President of the (Flemish) Inter-University Centre for Human Rights (since 1992).

Member of the editorial staff of the *Revue belge de droit international* (1990-).

Vice-President of Flemish United Nations Association (1982-1988).

President of the International Peace Information Service (since 1981).

Secretary-General of the Belgian Society of International Law (1978-1990).

Member (since 1973) and Vice-President (1990-2000) of the Executive Council of the International Institute of Human Rights at Strasbourg.

Author of more than 100 scientific articles and of a *Guide to the "travaux préparatoires" of the International Covenant on Civil and Political Rights*, Dordrecht, Nijhoff, 1987, 888 p.

Publications

"Proceduraspecten in de Landloperszaak voor het Europees Hof van de Rechten van de Mens' (Procedural aspects in the case of the vagabonds at the European Court of Human Rights), *Rechtskundig Weekblad*, 1971/1972, pp. 1237-1246.

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"De rechten van de mens in de Slotakte van Helsinki" (Human rights in the final act of the Helsinki Conference), *Studia diplomatica*, 1977, pp. 549-566.

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"Case concerning Sovereignty over certain Frontier" in Marek K., *Digest of the Decisions of the International Court*, vol. II: International Court of Justice, The Hague, Nijhoff, part 1 1977, pp. 606-621.

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"De houding van de Negen op de 32^e Algemene Vergadering van de Verenigde Naties" (The attitude of the IX on the occasion of the UN's 32nd General Assembly), *VVN-Contactblad*, Sept. 1978, pp. 14-26.

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* * *

Personal statement

In its early stages, it will be essential for the International Criminal Court to establish its credibility, and to adopt forward-looking working methods.

Credibility

It will be crucial for the Court to establish its credibility from the beginning. The Prosecutor will play an essential role in selecting appropriate cases to come before the Court, while the judges sitting in the Pre-Trial Chamber — and in the Appeals Chamber — should ensure that the selected cases are substantial and deserve investigation and prosecution by the Court. Interaction among judges from various backgrounds is necessary in order to avoid one-sided approaches. My academic experience as well as my extensive practical experience in international humanitarian law and human rights law (especially in the field of racism, discrimination and refugee protection) and in national and international bodies dealing with both individual cases and consistent patterns of gross violations of human rights will contribute to this objective.

Efficiency and flexibility

The Pre-Trial and Appeals Chambers must establish appropriate procedures and working methods for cases. Early cases will have to be handled in a manner that can be maintained when later the Court will be confronted with an expanding caseload. Sound management and functioning of the Court will require close cooperation between the Prosecutor and the judges, assisted by the Registrar. In that regard, my administrative and judicial experience, in particular as former Commissioner General for Refugees and as a judge at the Belgian Constitutional Court, is a valuable asset.

4. Capo-Chichi, Kocou Arsène (Benin)

[Original: English/French]

Note verbale

The Permanent Mission of the Republic of Benin to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that the Government of Benin has decided to present Judge Kocou Arsène Capo-Chichi to the International Criminal Court at the elections to be held during the fifty-seventh session of the General Assembly of the United Nations.

...

Statement of qualifications

Mr. Kocou Arsène Capo-Chichi has been nominated as Benin's candidate for the International Criminal Court, in response to the note verbale dated 13 September 2002 from the Secretary-General and in accordance with article 36 of the Rome Statute of the International Criminal Court.

Judge Kocou Arsène Capo-Chichi has been nominated by the Government of Benin in accordance with article 36, paragraph 4 (a) (i) of the Rome Statute.

Mr. Kocou Arsène Capo-Chichi has a doctorate in law and is an eminent jurist. He has been judge of the Supreme Court of Benin, has presided over the Cotonou Court of Appeal for six years and has been legal adviser to the Head of State.

In recognition of his services to the State he has been made a:

Chevalier of the National Order of Benin and an

Officer of the National Order of Benin

The candidacy of Mr. Capo-Chichi meets the provisions of article 36, paragraph 3 (a) of the Rome Statute.

Mr. Capo-Chichi also has considerable experience of national and international public administration.

At the national level he has held, inter alia, the following positions:

- Director of the staff of the Minister of Justice, Legislation and Human Rights and Director of Legislation and Codification in that same ministry.

At the international level he has been:

- A member of the staff of the serving President of the Afro-Malagasy Common Organization;
- Serving Chairman of the Ad Hoc Charter Review Committee of the Organization of African Unity (African Union).

In addition, he has in-depth knowledge of matters relating to human rights:

- He has attended summer courses on the evolution and practice of international human rights instruments in Geneva and in Strasbourg;

- He is a member of the teaching staff of the Institute for Human Rights and the Promotion of Democracy in Benin.

He attended the fifty-first, fifty-second and fifty-third sessions of the Commission on Human Rights in Geneva and thus is therefore familiar with the working methods of the United Nations in respect of human rights.

He is proficient in English, has wide-ranging knowledge and an awareness of the legal and economic aspects of international affairs and will be able to place his many talents at the service of the International Criminal Court.

Mr. Kocou Arsène Capo-Chichi is qualified in the area of modern civil and customary law both of which are in force in Benin and in other African countries.

Mr. Kocou Arsène Capo-Chichi is a Beninese national.

For these and the other reasons given in his curriculum vitae and although he has the necessary qualifications for inclusion on both lists provided for in paragraph 5, the Government of Benin nominates Judge Kocou Arsène Capo-Chichi for inclusion in list B, in accordance with the qualifications specified in article 36, paragraph 3 (b) (ii).

(*Signed*) Joël Wassi **Adechi**
Ambassador
Permanent Representative of Benin to the United Nations

* * *

Date and place of birth: 30 October 1946, Cotonou.

Languages

French, fluent.

English, written and spoken almost fluent; advanced course at the Anglo School in London.

Honours

Chevalier of the National Order of Benin.

Officer of the National Order of Benin.

Education

Doctorate in law; special field of study, economic law, with distinction (University of Orléans, France, June 1987).

Advanced studies diploma in economic law and business law (University of Orléans, France, June 1985).

Diploma in public administration, Centre de formation en administration publique (February 1978).

Master's degree in private law, option: judicial careers and business law (July 1975).

Diploma in regional planning, with honours, Pan-African Development Institute (Douala, Cameroon, June 1971).

Baccalaureate in sciences, Porto-Novo, 1969.

Professional activities

Appointed judge of the Supreme Court, 7 November 2001.

President of the Cotonou Court of Appeal, from 14 April 1997 to December 2001.

Director of the staff of the Ministry of Justice, Legislation and Human Rights, from 28 April 1996 to 15 April 1997.

Director of Legislation and Codification at the Ministry of Justice and Legislation, from 27 January 1995 to 15 April 1997.

Legal Adviser to the President of the Republic and, concurrently, the Government's representative to the Seme Petroleum Project, Republic of Benin, from 4 October 1988 to 30 June 1991.

Legal Technical Adviser to the President of the Republic from 30 May 1978 to 30 June 1991.

Deputy Public Prosecutor in Cotonou from 27 April 1978 to 30 May 1978.

Judge a.i. at the Cotonou Court of Appeal from 27 February 1978.

Research and publications

Monograph on the Department of Mungo, Cameroon, published in Douala and Geneva, 1970, 179 pages.

"Reorganisation des structures agricoles du Zou-Nord", published in Douala and Geneva, 1971, 105 pages.

"Dualisme dans le droit judiciare privé en République du Bénin", thesis for master's degree in private law, July 1975.

"Problèmes et reorganization de l'Office National des Pharmacies", February 1978.

"Les procédés de financement des contrats internationaux à terme: mode de règlement et garanties bancaires", paper for advanced studies diploma, Orléans, June 1978.

"La sous-traitance dans les marchés de développement: obligations et solution des litiges", thesis for Doctorate in economic law, Orléans, 22 June 1987.

"L'Afrique face aux défies du nouvel ordre mondial", paper presented to the fifth annual congress of the African Society of International and Comparative Law (ASICL) in Accra, published in January 1995 in the ASICL journal, proc. 5, 1993, pp. 197-212.

Co-author of the argument in favour of judicial reform in Benin, drafted at the request of the United Nations Development Programme in Cotonou in August 1998.

Other

Participation in the work of the United Nations Conference on an International Code of Conduct on the Transfer of Technology, Geneva, from 16 October to 11 November 1978.

Member of the Monitoring Committee of the Seme Petroleum Project.

Participation in the meeting of experts in preparation for the fifth summit of the Niger Basin Authority, N'Djamena, from 21 to 30 October 1987.

Participation in the statutory meetings (expert committees, councils of ministers) of the African Petroleum Producers Association from November 1988 to June 1991.

Member of the Committee of Experts engaged by the African Development Bank in Abidjan, to study the impact of energy development on the environment, from August 1994 to January 1995.

Member of the staff of the serving President of the Afro-Malagasy Common Organization, as Legal Technical Adviser, from September 1979 to December 1984, appointed on 13 September 1979.

Serving Chairman of the Ad Hoc Charter Review Committee of the Organization of African Unity, from June 1981 to November 1984.

Member of the Board of Directors of the Société bénino-nigériane des Ciments d'Onigbolo, from July 1978 to December 1984.

Member of the Benin delegation to the fifty-first, fifty-second and fifty-third sessions of the United Nations Commission on Human Rights, Geneva.

Participation in the summer course on the evolution and practice of international human rights instruments held in Geneva and Strasbourg, from 25 June to 4 August 1995.

Participation in the international seminar on interactions between scientific progress, the environment and development held in Prague, from 9 to 14 November 1990.

Participation in the fifth annual congress of the African Society of International and Comparative Law, on the main topic: the United Nations system and the new world order, Accra, from 20 to 24 September 1993.

Participation in the twenty-third annual congress of the Institut international de droit d'expression et d'inspiration francaises (IDEF) on the main topic: institutional and legal aspects of the relationship between industrialized economies and developing or transition economies, Rabat, from 20 to 27 November 1993.

Member of the teaching staff of the Institute for Human Rights and the Promotion of Democracy: Everyday democracy, Cotonou.

Member of IDEF.

President of the Presidium of the meeting on legal reform in Benin held in November 1997.

Participation in several seminars on intellectual property organized by the World Intellectual Property Organization (WIPO) in Cotonou, Paris and Geneva between 1999 and 2001.

Member of the Steering Committee of the integrated programme to strengthen the Beninese juridical and judicial systems.

5. Clark, Maureen Harding (Ireland)

[Original: English/French]

Note verbale

The Permanent Mission of Ireland to the United Nations presents its compliments to the Legal Counsel of the United Nations and has the honour to present to him the candidature of Judge Maureen Harding Clark for election as a judge of the International Criminal Court.

...

Statement of qualifications

As required by article 36 (3) (a) of the Statute, Maureen Harding Clark is a person of high moral character, impartiality and integrity. Having practised as a barrister for over 12 years, Ms. Clark is eligible for appointment to the highest judicial offices in Ireland. In nominating Ms. Clark, the Government of Ireland used the nomination procedure for appointing superior court judges as it was obliged to do under article 36 (4) (a) (i) of the Rome Statute.

Prior to her election in June 2001 as an ad litem judge of the International Tribunal for the Former Yugoslavia, Ms. Clark had practised as a barrister for over 25 years, and as a Senior Counsel since 1991. She was Ireland's leading woman criminal lawyer, having extensive experience at all court levels as both a prosecution lawyer (including as a regional State Prosecutor) and a defence lawyer in trials involving murder, rape, money-laundering, fraud and other serious crimes. She thus has established competence in criminal law and procedure and the necessary relevant experience in criminal proceedings to serve as a judge of the International Criminal Court as set out in article 36 (3) (b) (i) of the Statute.

Since being called to serve at the International Tribunal for the Former Yugoslavia in September 2001 by the Secretary-General of the United Nations at the request of the President of the Tribunal, Ms. Clark has served in Trial Chamber I, Section A, of the Tribunal as one of three judges in a trial raising important issues of international humanitarian law. She thus has established competence in international humanitarian law and extensive experience in a professional legal capacity, which is of relevance to the judicial work of the International Criminal Court as set out in article 36 (3) (b) (ii) of the Statute.

Ms. Clark is therefore eligible to be included in either list A or list B; however, for the purposes of article 36 (5) of the Statute, she is being nominated for inclusion in list A.

As required by article 36 (3) (c) of the Statute, Ms. Clark has an excellent knowledge of and is fluent in both the English and French languages.

For the purposes of article 36 (8) (a), it should be noted that Ms. Clark has practised as a lawyer in the Irish common law system and she also has experience of the inquisitorial method of legal proceedings. Ms. Clark is being nominated by and is a national of Ireland, a member of the Western European and Others Group; Ms. Clark is of the female sex.

Ms. Clark has particular expertise within the meaning of article 36 (8) (b) of the Statute as a trial lawyer and as a government adviser with regard to sexual offences and other violent offences against women and children and with regard to the needs and rights of victims.

* * *

Date of birth: 3 January 1946.

Languages

English, French (fluent) and Malay (basic).

Primary and secondary education

Bukit Nanas School, Kuala Lumpur.
Muckross Park School, Dublin.

Third-level education

1972-1975	Trinity College, Dublin, Irish and European Law Studies. The Honourable Society of King's Inns, Degree of Barrister at Law.
1965-1968	University College, Dublin, Awarded Bachelor of Civil Law.
1964-1965	University of Lyon, Diploma in French Language and Civilization.

Barrister-at-Law	Called to the Irish Bar, Michaelmas Term, 1975.
Senior Counsel	Called to the Irish Inner Bar, Hilary Term, 1991.
Ad litem judge	Elected to the International Tribunal for the Former Yugoslavia, 2001.

International judicial experience

Having been elected by the General Assembly of the United Nations in June 2001, was appointed by the Secretary-General at the request of the President of the International Tribunal for the Former Yugoslavia as one of the Tribunal's first ad litem judges.

Currently serving in Trial Chamber I, Section A, of the Tribunal, as one of three judges on the trial of two defendants from Herzegovina accused as paramilitary commanders of war crimes, grave breaches of the Geneva Conventions and crimes against humanity. The trial is currently in its final phase. Issues to be determined include the status of the armed conflict, whether attacks on civilian populations were widespread and systematic amounting to persecution, the status of civilians and property in the conflict, individual and command responsibility, and whether one of the parties to the conflict could be considered an occupying Power.

Has lectured on behalf of the Tribunal to visiting judges from Kosovo on legal principles applied in sentencing war criminals. Acts as spokesperson to the media on the role of the Tribunal.

Experience as a legal practitioner — 26 years

Comprehensive legal practice working in many different areas covering a wide range of law practising in both the adversarial system and the inquisitorial system.

Expertise in criminal law, with a particular interest in sexual offences and the rights of victims.

Criminal law

Adversarial experience

Extensive experience in both prosecution and defence of serious crimes, including rape, murder, money-laundering and fraud.

Criminal defence practice from 1976 to 2001.
Senior (lead) counsel for a large number of murder trials for the defence.
Regional State Prosecutor 1985-1991, responsible for the prosecution of criminal offences of all kinds in the region.
Ten years as lead counsel for the prosecution for murder and rape cases.
Extensive experience in the Court of Criminal Appeal arguing legal issues.
Lead counsel for the prosecution in both the first male rape trial and the first marital rape trial in Ireland.
Lead counsel for the prosecution in the first fraud money-laundering trial in Europe involving foreign nationals, the use of interpreters, the involvement of international judicial assistance and the interpretation of new legislation.

Civil law

Inquisitorial experience

Appointed by the Attorney General of Ireland as lead counsel to represent the public interest in a Tribunal set up to investigate the contamination of blood products and infection of haemophiliacs.
Legal Adviser to the Tribunal for the compensation of victims of blood contaminated with hepatitis C.
Represented victims of blood contamination at the Hepatitis C Tribunal.
Extensive experience in inquests into post-operative deaths.
Represented professionals under investigation before their professional practice boards, in particular allegations of misconduct against medical practitioners and solicitors.

Advisory work for the Government of Ireland

Retained to advise on:

Victims' rights in sexual offence cases;
Victims of sexual abuse in State institutions;
Interviewing of child victims of sexual abuse;
Educational special needs for children, especially in the area of autism.

Advisory work for the Law Reform Commission of Ireland

Retained to advise on:

Law of provocation and diminished responsibility in murder.
Extent of the use of privilege in communications between organs of the Government and their legal advisers.

Membership of professional bodies

Member, International Association of Prosecutors.
Elected member and Secretary, Bar Council of Ireland (professional body governing all members of the Irish Bar).
Served on the Professional Practices Committee of the Bar Council of Ireland.
Member of Appeals Tribunal against decisions of the Bar Disciplinary Code.
Assisted in drafting Code of Practice for Members of the Bar of Ireland.
Member, Irish Women Lawyers Association.
Associate member of the American Bar Association.

Lecturing and representational experience

Lecturer on ethics and standards to newly qualified barristers on behalf of the Bar Council of Ireland.
Lecturer on the needs of victims, and close family members of victims, in criminal cases to barristers on behalf of the Bar Council of Ireland.
Chaired, and addressed, numerous groups at meetings and symposia on current legal topics, including recent discussion group with Barry Scheck, United States defence counsel, on the death penalty as an infringement of human rights, the development of women's rights in society, the development of a criminal legal system based on the needs and rights of victims.

Represented the Irish Bar at many international legal conferences including conferences organized by the International Bar Association, the International Prosecutors Association and the American Bar Association, and conferences on international criminal law aspects of money-laundering, the implementation of the European Convention on Human Rights, sexual offences and victims' rights.

Facilitated regular exchange visits with Malaysian lawyers to and from Ireland.

Regular visitor to the United Kingdom to meet legal practitioners and judges for informal discussions on common legal issues.

Prior to her election as ad litem judge of the International Tribunal for the Former Yugoslavia, Maureen Clark was Ireland's leading woman criminal lawyer; since her election she has served with distinction as a member of the Tribunal. Her election to the International Criminal Court would allow her to continue to use her expertise in the service of international criminal justice.

6. Diaconu, Ion (Romania)

[Original: English]

Note verbale

The Permanent Mission of Romania to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour, with reference to the Secretary-General's note of 13 September 2002, to communicate that Romania has nominated Ion Diaconu as its candidate for election as a judge of the International Criminal Court.

Mr. Diaconu has been nominated, in accordance with the procedure provided for the nomination of candidates for the International Court of Justice, by the Romanian National Group to the Permanent Court of Arbitration (article 36.4 (a) (ii)).

For the purposes of paragraph 5 of article 36 of the Rome Statute of the International Criminal Court, Mr. Diaconu is being nominated for inclusion in list B.

...

Statement of qualifications

1. Mr. Ion Diaconu is a citizen of Romania.

For the purposes of paragraph 5 of article 36 of the Rome Statute, he is nominated for inclusion in list B.

2. Mr. Diaconu is a person of high moral character, impartiality and integrity. As a specialist in international law, he was a member of the Permanent Court of Arbitration, of the Romanian Section of the International Law Association and of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Since 1991, he has been a member of the Committee on the Elimination of Racial Discrimination, and currently is the Chairman of the Committee.

He has attended numerous multilateral negotiations on international law issues, mainly human rights and fundamental freedoms, among them: the Vienna Conference on Consular Relations of 1963; the Conference on Security and Cooperation in Europe (1972-1975) and subsequent meetings on human rights issues; the 1995 Copenhagen World Conference on Social Development; meetings of the Council of Europe and the Venice Commission for Democracy through Law; and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001).

He has also taught international law and human rights in several universities of Bucharest and lectured on human rights and minority issues in specialized institutions and universities of Denmark, Norway, Sweden and the Russian Federation. Currently, he teaches international law at the University of Bucharest, National School of Political and Administrative Studies, and human rights at the Diplomatic Academy of the Ministry of Foreign Affairs of Romania.

3. The candidate has an established competence in human rights and humanitarian law, due to his participation in international negotiations on different subjects in this field, in line with internal developments in Romania after the revolution of 1989, in order to bring the Constitution, the legislation and the institutional system in accordance with international standards, but mainly due to his membership of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities and to his 12 years' membership of the Committee on Elimination of Racial Discrimination.

As a member of that Committee, he was able to become acquainted with the situation in more than 100 countries from all continents presenting periodic reports to the Committee, and was involved in extensive discussions on the situation of human rights everywhere.

Moreover, he was personally involved in the preparation of the 2001 Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, wrote two papers which served as background documents for the Preparatory Committee (on the definition of racial discrimination and on reservations to the International Convention for the Elimination of All Forms of Racial Discrimination), and finally attended the Conference as a member of the Committee.

In the country, between 1990 and 1993, the candidate was involved in the elaboration of the new Romanian Constitution of 1991, in order to bring it into conformity with international standards of democracy and respect for human rights, and in the process of reviewing the legislation in many fields in order to make it fully compatible with international treaties ratified by Romania and to prepare for accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

He also participated in the establishment and meetings of the Romanian Association of Humanitarian Law, as well as in working sessions with representatives of the Romanian armed forces on issues of humanitarian law.

Moreover, he participated in working meetings with representatives of the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, while establishing the basis for their activity in Romania.

4. The candidate has made an important contribution to research and study in the areas of international law and human rights and fundamental freedoms. After publishing the book entitled *Contribution to a study on imperative norms in international law — jus cogens* (*Contribution a une étude sur les normes impératives en droit international — jus cogens*) and defending his doctoral thesis in 1971 at the University of Geneva, he published the same book in the Romanian language in 1977. A series of books and studies followed on such issues as principles of international law, mainly the non-use of force and the threat of force, the definition of aggression, equal rights and self-determination of peoples, human rights and fundamental freedoms, and the right to development.

In 1993, he published a book on human rights which was revised and expanded into a handbook entitled *Human Rights in Contemporary International Law*, published in 2000, including chapters on humanitarian law, on protection and human rights for women, and protection and human rights for children and for young people.

The candidate has elaborated extensive studies on issues concerning the protection of and discrimination against minorities. After *Minorities — Status and Prospects, 1996* and *Minorities — Identity and Equality, 1998*, he published *Minorities in the Third Millennium — between globalism and national spirit*, in 1999, which appeared also in English as *Minorities in International Law, 2001*, published by the *Romanian Journal of International Affairs*, vol. VII, 3-4/2001.

As for general international law, Mr. Diaconu published Course on International Law in 1993, revised and completed in 1995, and *Treaties of International Law*, vol. I (Introduction, Sources and Subjects) in 2002; another two volumes, on the other chapters of international law, will be published in the coming years.

The last book, which has to be issued soon, was elaborated in English and is entitled *The International Criminal Court — a new page*. It will present the Court under all its aspects — history, crimes under its jurisdiction, basic principles of criminal international law, relationship with the United Nations, and others.

5. The candidate also has legal expertise on subjects concerning violence against women and children.

As a member of the Committee on the Elimination of Racial Discrimination for 11 years, he examined in the Committee reports from more than 100 States parties to the respective Convention, including aspects of discrimination concerning women and children, and participated in formulating recommendations to States parties. As a member of the Sub-Commission for the Prevention of Discrimination and Protection of Minorities, he was a member of the Working Group on contemporary forms of slavery, sexual exploitation and prostitution, dealing mainly with the situation of women and children all over the world.

In his books on human rights and fundamental freedoms, distinct chapters are dedicated to the protection and human rights of women and children, both in time of war and peace.

6. As a career diplomat, he has worked for more than 40 years as a legal adviser in Romanian Ministry of Foreign Affairs and in diplomatic missions in different countries (Belgium, United States of America, Denmark, Russian Federation). For 8 years he served as ambassador, and now is fulfilling the tasks of Secretary General of the Ministry of Foreign Affairs.

7. Coming from a country of Eastern Europe and being involved in negotiations and cooperation with all the countries from this area, the candidate has an extensive knowledge of the legal systems, legislation and situation in this geographic region.

8. Mr. Diaconu has an excellent knowledge of French and is fluent in English, being able to work in both languages.

His knowledge and extensive experience as an expert in international law and human rights in international specialized bodies, as a researcher and as a legal adviser are evidence of his professional legal capacity, relevant to the judicial work of the Court.

* * *

Date of birth: 23 October 1938.

Studies

Faculty of Law, University of Bucharest, 1956-1960.

University of Geneva, Ph.D. studies, 1965-1968.

Ph.D. in International Law at the University of Geneva, 1971.

Professional activities

1960-1965	Ministry of Foreign Affairs, Legal Department.
1968-1979	Ministry of Foreign Affairs, Legal Department and Department for Security and Cooperation in Europe.
1979-1980	Counsellor at the Romanian Embassy, Brussels.
1981-1986	Counsellor and Minister Counsellor at the Permanent Mission of Romania to the United Nations, New York.
1986-1990	Deputy Director of the International Organizations and Legal Department, Ministry of Foreign Affairs.
1990-1993	Director and Director General of the Legal and Consular Department, Ministry of Foreign Affairs.
1993-1997	Ambassador of Romania to Denmark, Copenhagen.
1994-1997	Ambassador of Romania to Iceland (non-resident).
1997-2001	Ambassador of Romania to the Russian Federation.
September 2001-present	Secretary General of the Ministry of Foreign Affairs.

Participation in major international conferences

1963	Vienna, Conference for the codification of consular law.
1964	United Nations Conference on Trade and Development, Geneva.
1972-1975	Conference on Security and Cooperation in Europe, Helsinki and Geneva.
1978	General meeting of the Conference on Security and Cooperation in Europe, Belgrade.
1980	General meeting of the Conference on Security and Cooperation in Europe, Madrid.
1981-1985	Sessions of the General Assembly of the United Nations.
1986	Meeting on Human Rights, Conference on Security and Cooperation in Europe, Ottawa.
1986	General Meeting of the Conference on Security and Cooperation in Europe, Vienna.

1988	Session of the United Nations Commission on Human Rights.
1991-1993	Sessions of the Danube Commission, Budapest.
1996	World Conference on Social Development, Copenhagen.
1999	Meeting on United Nations Decade of International Law, Saint Petersburg.
2001	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban.

Membership of international legal bodies

1988-1991	Member of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities.
1991-present	Member of the Committee for the Elimination of Racial Discrimination; Chairman of the Committee, 2002-2003.
1988-2002	Member of the Permanent Court of Arbitration.

Scientific activities

Imperative Norms of International Law (Jus Cogens), 1971 (French), 1977 (Romanian).

Handbook on Public International Law, 1993 (Romanian), 1995, second edition.

Human Rights (Romanian), 1993; *Human Rights in Contemporary International Law* (2001 — Romanian).

Minorities — Status and Prospects, 1996 (Romanian).

Minorities — Identity and Equality, 1998 (Romanian).

Minorities in the Third Millennium, 1999 (Romanian).

Minorities in International Law, 2001 (English).

Treaties of International Law, vol. I (Introduction, Sources and Subjects), 2002 (Romanian).

The International Criminal Court — a new page, 2002 (English).

Studies and articles on different issues of international law and human rights in Romanian and foreign publications and books.

Professor of International Law, National School of Political and Administrative Studies of the University of Bucharest and several private universities, Bucharest, 1990-1993.

Currently Professor of International Law at the National School of Political and Administrative Studies, and of Human Rights at the Diplomatic Academy of the Ministry of Foreign Affairs.

* * *

We, the members of the Romanian National Group to the Permanent Court of Arbitration, representing the professional legal community of Romania, have decided to present the candidature of Mr. Ion Diaconu to be elected as a judge of the International Criminal Court.

We are convinced that his outstanding professional capacities, preparation and experience in many fields of international law, particularly human rights and fundamental freedoms and humanitarian law, qualify Mr. Ion Diaconu for the post of judge of the International Criminal Court.

(*Signed*) Bogdan **Aurescu**
Director General of the Legal Department of the Ministry of Foreign Affairs,
Professor of International Law

(*Signed*) Raluca **Bestellu**
Professor, Head of the Department of International Law,
University of Bucharest

(*Signed*) Victoria **Gavrilescu**
Director of the Division of Economic Law,
Ministry of Foreign Affairs

(*Signed*) Simona **Teodoroiu**
Secretary of State at the Ministry of Justice

7. Diarra, Fatoumata Dembélé (Mali)

[Original: French]

Note verbale

The Permanent Mission of the Republic of Mali to the United Nations presents its compliments to the United Nations Secretariat (Office of Legal Affairs) and, with reference to its note verbale of 8 October 2002, has the honour to transmit herewith the candidacy of Ms. Fatoumata Diarra née Dembélé for the post of judge in the International Criminal Court.

Ms. Fatoumata Diarra née Dembélé, a senior judge, was elected as an ad litem judge of the International Criminal Tribunal for the Former Yugoslavia on 12 June 2001 and was appointed to Trial Chamber I to preside over a trial which began on 3 September of the same year. This trial is currently in its final phase and, under the provisions of article 13 of the Statute of the International Criminal Tribunal, Ms. Diarra is not eligible for re-election.

After learning of her availability through correspondence from the President of the International Criminal Tribunal, of 9 October 2002, the Government of Mali decided to put forward her candidacy for the post of judge in the International Criminal Court. We thus hope to make available to the international legal system the talents and commitment of this dynamic judge and great champion of the rights of women and children.

Ms. Diarra also has extensive experience in criminal matters. She was an examining magistrate for three terms, Deputy Procurator, President of the Criminal Chamber of the Court of Appeals and President of the Court of Assizes before being appointed National Director of the Administration of Justice in September 1999. It was from this post that she was elected as an ad litem judge.

Moreover, as a personality in civil society, Ms. Diarra has carried out several initiatives at the national and international levels to promote human rights. She became involved at a very early stage in the campaign for the International Criminal Court, and is familiar with its basic instruments.

Lastly, her experience as an ad litem judge of the International Criminal Tribunal has enabled her to increase her knowledge of international humanitarian law and to become familiar with the specifics of international procedure and the various concepts of common law. She is now able to work in a mixed judicial system and in a bilingual environment.

Ms. Fatoumata Diarra née Dembélé therefore has the necessary experience in accordance with article 36, paragraph 5 of the Rome Statute of the International Criminal Court.

Accordingly, the Government of the Republic of Mali presents her candidacy under list A.

Statement of qualifications

Having had the honour of being nominated by the Government of Mali for the post of judge in the International Criminal Court, I shall describe below the immense interest I have in this young institution, and my hope of being able to participate in its operation.

Following the adoption of Security Council resolution 808 (1993) of 22 February 1993, the International Federation of Women in Legal Careers, of which I am a member, sent the Secretary-General its comments on the relevance of an international court for the punishment of the most odious crimes. Its Bamako congress,[1] held in October 1994, had as its theme the legal order at the international, national and family levels. I was responsible for the sub-theme: the international legal order. Documentary research on this subject led me to carry out an in-depth study of several texts, in particular the Charter of the Nuremberg Tribunal, the Hague Conventions, the Geneva Conventions and their Additional Protocols, the Statute of the International Court of Justice, and the Opinion concerning the establishment of an international criminal court, adopted on 4 July 1991 by the Commission consultative des droits de l'homme of France. This research made me aware of the legal void and lack of mechanisms available to the international community to punish persons found guilty of crimes against peace and violations of humanitarian law. Among the many texts studied, the Opinion concerning the establishment of an international criminal court was the document which most reassured me with regard to the difficulties of implementing international criminal law and humanitarian law. After that, I followed with great interest the development of the issue and all the attempts to respond to this need for international criminal justice. For that reason, my participation in the work of the International Committee of the Red Cross and the Organisation internationale de la Francophonie[2] was a great help. I had access to all information on the participation of the Organisation internationale de la Francophonie, through the Preparatory Commission, in the formulation of the draft rules of procedure and evidence and the definition of elements of crimes within the jurisdiction of the Court under the Rome Statute.

The Government of Mali, which supports international criminal justice, has always encouraged and facilitated my participation in the many forums organized on the subject. This support from my Government, along with my personal commitment, culminated in my nomination as a candidate in the election of the ad litem judges of the International Criminal Tribunal for the Former Yugoslavia, which took place on 12 June 2001. I was fortunate enough to be elected and appointed to a trial which lasted 15 months. This experience strengthened my convictions and gave me all the necessary skills to be able to work in an international court based on a mixed judicial system. Unfortunately, under article 13 ter of the Statute, I am not able to participate in a second trial in the International Criminal Tribunal.

At a conference held from 15 to 17 July 2002 in Rome on the initiative of the organization *No Peace Without Justice*, I suggested in a contributing note that a dynamic campaign should be conducted to expand the circle of States parties to the Rome Statute and confirmed my availability to participate in this campaign.

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[1] At the Congress, I was elected first Vice-President of the Federation.

[2] Formerly the Agency for Cultural and Technical Cooperation (ACCT).

To my great satisfaction, the common desire of all the supporters of international criminal justice was fulfilled with the opening of the International Criminal Court on 1 July 2002. This represents a new opportunity to serve the cause of international criminal justice by joining the corps of judges who will ensure its operation.

(*Signed*) Fatoumata **Diarra**

* * *

Date and place of birth: 15 February 1949 at Koulikoro, Mali.

Title: Senior judge.

Current post: Ad litem judge elected on 12 June 2001 to the International Criminal Tribunal for the Former Yugoslavia.

Current function: Judge at the International Criminal Tribunal for the Former Yugoslavia, Trial Chamber I, section A, in post since September 2001.

Previous posts

National Director of the Administration of Justice, September 1999-September 2001.

President of the Criminal Chamber of the Bamako Court of Appeal, June 1996-September 1999.

Judge of the Court of Appeal, June 1994-June 1996.

Officer of the Commission for the Advancement of Women, October 1993-June 1994.

Director-General of the Malian Copyright Office, October 1991-October 1993.

Legal adviser to the Transitional Committee for the Salvation of the People, Office of the Head of State, April-October 1991.

Legislative Secretary of the National Assembly of Mali, March 1986-March 1991.

Examining magistrate at the First Investigation Chamber of Bamako, July 1984-March 1986.

Examining magistrate at the Investigation Chamber of the Court of First Instance of Koulikoro, October 1982-July 1986.

Vice-President of the Labour Court of Bamako, September 1981-July 1982.

Deputy Procurator of the Bamako Court, October 1980-September 1981.

Examining magistrate at the Investigation Chamber of the Court of First Instance of Bamako, July 1977-September 1980.

Education

Ecole Nationale de la Magistrature, Paris, October 1975-July 1977, obtaining the diploma of the *Ecole Nationale de la Magistrature* in July 1977.

Ecole Nationale d'Administration, Juridical Sciences Section, October 1971-June 1974, obtaining the diploma in June 1974, Bamako.

University of Dakar, October 1970-June 1971, obtaining the *1er Certificat de Licence en Droit* (First Certificate of the Bachelor's Degree in Law) in June 1971, Faculty of Law and Economic Sciences.

Other activities carried out

Member of the Think Tank on the orientation of and follow-up to integration initiatives in the context of the exercise by Mali of the Presidencies of the Economic Community of West African States (ECOWAS), the West African Economic and Monetary Union (WAEMU) and the Permanent Inter-State Committee for Drought Control in the Sahel (CILSS), since 29 December 1993.

Member of the National Steering Committee for the Revision of the Family Code, since July 1997.

Chairperson of the Network in the Support of the Malian Electoral Process, since May 1997.

Member of the Preparatory Committee for the National Round Table for the review of fundamental texts, January 1999.

Chief coordinator of national observers at the Malian elections in 1997.

Electoral observer: Benin, 1996; Mali, 1997; Dakar, 2000.

Chairperson of the National Preparatory Committee for the Fourth World Conference on Women (Beijing, 1995), January-August 1995.

Chairperson of the Legal Reform Support Group, October 1994.

Founding President of the Legal Aid Clinic for disadvantaged women and children and legal aid offices, October 1993.

Expert at the Malian National Conference on the preparatory texts for the third Republic: member of the "Electoral code" Committee, July-August 1991.

Professor of Constitutional, Civil and Criminal Law at the Central College of Industry, Trade and Administration, 1986-1991.

Training and advanced training courses

Training on the jurisdiction, procedure and jurisprudence of the International Criminal Tribunal for the Former Yugoslavia, The Hague, September 2001.

Training on the Statute and Rules of Procedure and Evidence of the International Criminal Tribunal for the Former Yugoslavia, comparative study of common law and civil law, The Hague, September 2001.

Training on the law of armed conflicts: Geneva Conventions, Additional Protocols, crimes against humanity, war crimes and genocide, under the auspices of the International Committee of the Red Cross, Bamako, July 2001.

Seminar on the work of the Preparatory Commission for the International Criminal Court, on the basis of the report of the Francophone mission headed by Ms. Frédérique Chifflot Bourgeois, Bamako, June 2001.

Training in mediation, Bamako, May 2001.

Training on the West African Accounting System, Bamako, May 2000.

Judicial reform: instruments of the Organization for the Harmonization of Business Law in Africa (OHADA) and legal and judicial cooperation in the OHADA and WAEMU areas, organized by the International Development Law Institute, Dakar, 18 March-8 April 2000.

Training in the use of the Internet, Bamako, December 1999.

Modernization of justice in Africa, *Organisation internationale de la Francophonie*, Cairo, October 1999.

Computer training in Windows 95 and 98, and Word 7.0 under Windows, Bamako, 24 August to 11 September 1998.

Application of international and regional standards on the protection of human rights, International Federation of Women Lawyers/Malian Human Rights Association, Bamako, June 1998.

Training on the international human rights instruments by the Canadian Human Rights Foundation, Yaoundé, November 1997.

Training in electoral observation, Cotonou, February 1996 and Bamako, January 1997.

Women's civil and political rights, Lusaka, April 1996.

Educational and fact-finding visit on the American judicial system and the defence of human rights by civil society, New York, New Mexico, North Carolina, Arizona, Iowa, Washington, D.C., April 1995.

Functioning of the United Nations system and international public law, New York, August 1993.

International conventions on the protection of intellectual works, Accra, February 1993; Mauritius, October 1993.

Combating the unlawful copying of intellectual works, Dakar, April 1992.

Devolution and the exercise of power in a democracy, studies on American democracy, Dakar, March 1992.

Intellectual property law, Uganda, November 1991; Geneva, October 1992, and Dakar, May 1992.

Implementation of the constitutional rights of women, Abuja, October 1991.

Law, languages and cultures of the Francophone community (ACCT), Dakar, 1989.

Interparliamentary training by the *Bundestag*, Bonn, September-October 1988.

Data processing in the service of Parliament, Talence-Bordeaus, France, June-July 1987.

Associations

President of the Legal Network of the International Council of Francophone Women since 1996.

President of the *Observatoire des droits de la femme et de l'enfant* (Women's and children's rights monitoring body) since April 1995.

Vice-President of the African Women Jurists' Federation since March 1995.

Vice-President of the International Federation of Women in Legal Careers, October 1994 to October 1997.

President of the Malian Women Jurists' Association, January 1988 to January 1995.

Secretary-General of the Malian Women Jurists' Association, October 1986 to January 1988.

Studies carried out

"L'opportunité d'une assistance juridique aux enfants des centres d'écoute" (The need for legal aid for children in counselling centres) for the United Nations Children's Fund (UNICEF) Bamako office, 1999.

"La situation juridique de la femme au Mali et ses perspectives d'évolution" (The legal situation of women in Mali and the prospects for improvement) within the framework of the Legal Reform Support Group, 1994.

"Les droits de la femme dans l'ordre juridique national et international" (Women's rights in the national and international legal order), September 1994.

"Le renforcement du processus de consolidation des droits de la femme au Mali" (The strengthening of the process of consolidation of women's rights in Mali) for the Centre for Studies on International Cooperation, 1994.

"Les droits de la femme et la transition democratique malienne" (Women's rights and the Malian democratic transition) for the World Coalition for Africa, 1994.

"L'apathie de l'électeur, la responsabilité du citoyen dans une démocratie" (Voter apathy, the citizen's responsibility in a democracy) for the United States Embassy, 1992.

"Le Femme malienne au regard des droits de la personne humaine" (Malian women and human rights) for the Commission for the Advancement of Women, 1991.

Articles published

"Le rôle des femmes dans la gestion des conflits armés" for ICRC, Bamako, 6-8 May 2001.

"Droit des femmes: enjeux et défis" *Revue Faro*, April 2000.

"Les violences faites aux femmes", Ministry for the advancement of women, children and the family, May 1999.

"Droit et exclusion", symposium of the *Fondation Partage*, April 1999.

"L'aide juridique", *Enda Third World*, for the Fourth World Conference on Women, 1994.

"Excision et le droit positif malien", Union nationale des femmes de Mali (National Union of Malian Women), 1989.

"Les obstacles à l'exercice des droits des femmes au Mali" multidisciplinary women's congress, City Univerty of New York, 1987.

Forums and conferences

Information seminar on the work of the Preparatory Commission for the International Criminal Court as presented by the Francophone mission, Bamako, June 2001.

African regional preparatory meeting for the five-year review of the Beijing Platform for Action, Addis Ababa, November 1999.

Various sessions of the Commission on the Status of Women, United Nations Headquarters, New York.

Yemen International Forum on the double democratic transition in emerging democracies, *National Democratic Institute*, July 1999.

Delegate of the Francophone community to the Libreville International. Symposium on "Human rights and women's rights", June 1999.

Seminar on legislation concerning female genital mutilation, Addis Ababa, August 1997.

Appointed Rapporteur-General and Chairperson of the Girls' Education Committee at the Summit for African Children, organized in conjunction with UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO), Ouagadougou, April 1997.

Regional Seminar on the Rights of the Child, organized by the Commission of Jurists, Abidjan, March 1996.

"The legal order at the international, national and family levels", Bamako, October 1994.

The role of civil society in the consolidation of democracy, *National Democratic Institute*, Cotonou, September 1993.

Meeting of the Council of the International Federation of Women in Legal Careers on international private law and the protection of persons, New York, August 1993.

World Interdisciplinary Congress of Women, New York, June 1990.

Congress of the African Women Jurists' Federation on violations of family law, Abidjan, 1988.

Congress of the International Federation of Women Lawyers on the rights of rural women, Lagos, April 1983.

Constitutive Congress of the African Women Jurists' Federation, Dakar, July 1979.

Congress of the International Federation of Women in Legal Careers, Dakar, July 1979.

Additional information

Decorated as officer of the national order of Mali, 30 December 2001.

Able to communicate in English.

Designed and obtained funding for a number of women's and children's rights projects.

8. Enkhsaikhan, Jargalsaikhany (Mongolia)

[Original: English]

Note verbale

The Permanent Representative of Mongolia to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to forward herewith the letter of Mr. Lunvsan Erdenechuluun, Minister for Foreign Affairs of Mongolia, informing the latter and through him all States parties to the Statute of the International Criminal Court of Mongolia's decision to present the candidature of Dr. Jargalsaikhany Enkhsaikhan, Ambassador and Permanent Representative of Mongolia to the United Nations, to the post of judge of the International Criminal Court at the elections to be held in February 2003.

...

Statement of qualifications

5 September 2002

Excellency,

Mongolia, as a founding member of the International Criminal Court, is strongly committed to strengthening international criminal justice and the rule of law in international relations. We look forward to working with the ICC in reducing and eventually putting an end to impunity for the perpetrators of the heinous crimes defined in the Statute of the ICC. With this in mind and in accordance with Article 36 of the Statute, Mongolia is presenting the candidature of Dr. Jargalsaikhany Enkhsaikhan for election to one of the 18 posts of the Judges of the International Criminal Court, to be held in February 2003.

Dr. Enkhsaikhan is being nominated in accordance with Article 36.4 a (i) of the ICC Statute on the basis of the decision made by the General Council of Courts in accordance with Article 51 of the Constitution of Mongolia. His nomination has also enjoyed the full support of the Mongolian bar association.

Dr. Enkhsaikhan is a known expert in international law with vast experience and expertise in international relations. He represented Mongolia at many international codification conferences as well as bilateral negotiations of treaties and conventions on providing mutual assistance in legal, criminal and civil matters. He also represented Mongolia at some human rights treaty bodies, when its reports were considered, including on the issues of racial discrimination, political, civil as well as economic, social and cultural rights and discrimination against women. Dr. Enkhsaikhan represented Mongolia in the Sixth (Legal) Committee of the General Assembly, which, inter alia, considered extensively the draft code of offences against peace and security of mankind, the precursor of the ICC Statute. He attended numerous sessions of the Sixth Committee serving, inter alia, as its Rapporteur, Vice-Chairman and Chairman respectively.

When representing Mongolia in the Sixth (Legal) Committee during 16 sessions of the General Assembly, he articulated Mongolia's views and position on such issues as reports of the International Law Commission, including on the reports of rapporteurs on draft code of offences against the peace and security of mankind, State responsibility, international liability for injurious consequences arising out of acts not prohibited by international law, unilateral acts of States, reservations to normative multilateral treaties, including human rights treaties, etc.

Dr. Enkhsaikhan is well known for his innovative approach to international relations. Thus, he authored Mongolia's proposal to the General Assembly to consider item "Guiding principles of International Negotiations" by the General Assembly at its fifty-second and fifty-third sessions. As a result of consideration and negotiation of the draft prepared mainly by Dr. Enkhsaikhan, the General Assembly adopted in 1998 the "Principles and Guidelines for International Negotiations". When adopting the principles and guidelines, the General Assembly underlined "the important role that constructive and effective negotiations can play in attaining the purposes of the charter of the United Nations by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States".

Dr. Enkhsaikhan was also the architect of the concept of single-State nuclear-weapon-free zone and of successful consideration by the General Assembly of Mongolia's nuclear-weapon-free status. He served as a main negotiator with the five nuclear-weapon States on their joint statement to provide Mongolia with security assurances and drew up the initial draft of Mongolia's law on its nuclear-weapon-free status.

With his vast experience in international relations Dr. Enkhsaikhan served as Executive Secretary of the National Security Council of Mongolia and coordinated the work of drafting and adopting by the State Great Hural (Parliament) of Mongolia of the three basic documents of Mongolia's national security and foreign relations: The Concept of National Security of Mongolia, the Concept of Foreign Policy of Mongolia and the Fundamentals of the Military Doctrine of Mongolia. As a legal adviser of the President of Mongolia, in 1992-1993 he advised the President on some aspects of the reform of the legal system, including criminal law and legislation.

Alongside his outstanding diplomatic and legal career, Dr. Enkhsaikhan lectured extensively on Mongolia's mixed legal system as well as on specific topics of international relations and international law, including on development of international criminal law and establishment of ICC.

Dr. Enkhsaikhan is known and highly respected for his high moral character, impartiality and integrity and possesses the qualifications required for appointment to the highest judicial office in Mongolia. He has clearly established competence in the areas of international law envisaged in Article 36.3 b (ii) of the Rome Statute.

Besides his native Mongolian, he is fluent in English and Russian and has a working knowledge of French and Spanish.

...

(*Signed*) Luvsan **Erdenechuluun**

* * *

The Permanent Representative of Mongolia to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his letter dated 10 September 2002 with respect to the Mongolian candidate for a post as a judge of the International Criminal Court, has the honour to make the following additional statement in compliance with article 36.4 (a) of the Rome Statute of the International Criminal Court and paragraph 7 of the resolution of the Assembly of States Parties relating to the procedure for the nomination and elections of Judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court:

1. Candidate Dr. J. Enkhsaikhan has been nominated for inclusion in list B for the purposes of article 36.5, since he has established competence and experience in relevant areas of international law, including human rights and humanitarian law.
2. His nomination has been made in Mongolia in accordance with the procedure envisaged in article 36.4 (a) (i).
3. Dr. Enkhsaikhan has mastered the English language, as required by article 36.3 (c). He also has a working knowledge of the French, Russian and Spanish languages.
4. He represents a country with a mixed legal system (continental and common law legal systems).
5. Dr. Enkhsaikhan is male and is a national of Mongolia, a member of the Asian Group at the United Nations.

...

* * *

Personal

Born: 4 September 1950, Ulaanbaatar, Mongolia

Education

1974	Moscow State Institute for International Relations (diploma of International Lawyer)
1979	Moscow State Institute for International Relations (PhD in International Law). Thesis of the doctoral dissertation: "Legal aspects of rules of procedure at international fora"

Brief career résumé

1996-	Ambassador, Permanent Representative of Mongolia to United Nations
1993-1996	Executive Secretary of the National Security Council of Mongolia
1992-1993	Foreign Policy Adviser to the President of Mongolia
1992-1993	Legal adviser of the President of Mongolia
1988-1992	Minister Counsellor, Deputy Chief of Mission, Mongolian Embassy in USSR/Russian Federation

1986-1988	Acting Head of the Policy Planning Department, Ministry of Foreign Affairs of Mongolia
1986-1988	Acting Head of Treaty and Legal Affairs Department, Ministry of Foreign Affairs of Mongolia
1979-1986	Third, Second Secretary, Permanent Mission of Mongolia to United Nations
1978-1979	Member of Mongolian-Soviet Border Demarcation Commission
1974-1979	Attaché, Third, Second Secretary, Treaty and Legal Affairs Department, Ministry of Foreign Affairs of Mongolia

International activities

Legal adviser at bilateral negotiations on concluding legal instruments

1974	Agreement between the Government of the Mongolian People's Republic and the Government of the Democratic People's Republic of Korea on non-visa regime of travel between the citizens of the two States
1974	Agreement between the Government of the Mongolian People's Republic and the Government of the Socialist Republic of Romania on non-visa regime of travel between the citizens of the two States
1975	Treaty on Friendship and Cooperation between the Mongolian People's Republic and the People's Republic of Poland
1975-1976	Treaty on demarcation of border between the Mongolian People's Republic and the Union of Soviet Socialist Republics (USSR)
1976-1977	Treaty on Friendship and Cooperation between the Mongolian People's Republic and the German Democratic Republic
1977	Agreement between the Mongolian People's Republic and the People's Republic of Hungary on avoiding double citizenship
1977-1978	Agreement between the Government of the Mongolian People's Republic and the Government of the Lao People's Democratic Republic on conditions of non-visa regime of travel between the citizens of the two States
1978-1979	Consular Convention between the Mongolian People's Republic and the Socialist Republic of Viet Nam
1979	Treaty on Friendship and Cooperation between the Mongolian People's Republic and the Socialist Republic of Viet Nam
1978-1979	Agreement between the Government of the Mongolian People's Republic and the Government of the Union of Soviet Socialist Republics (USSR) on the conditions of non-visa regime of travel between the citizens of the two States
1976-1979	Demarcation of the border between the Mongolian People's Republic and the Union of Soviet Socialist Republics (USSR)

1979	Agreement between the Mongolian People's Republic and the Union of Soviet Socialist Republics on cooperation in the field of social security
1986	Treaty on Friendship and Cooperation between the Mongolian People's Republic and the Democratic People's Republic of Korea
1986	Conditions on mutual visit of citizens of the Mongolian People's Republic and the Democratic People's Republic of Korea
1987	Treaty on Friendship and Cooperation between the Mongolian People's Republic and the People's Republic of Bulgaria
1987-1990	Treaty between the Mongolian People's Republic and the Union of Soviet Socialist Republics (USSR) on providing mutual legal assistance in civil, family and criminal cases (renegotiation of the treaty)
1992-1993	Treaty on Friendly Relations and Cooperation between Mongolia and the Russian Federation
1992-1993	Treaty on Friendly Relations and Cooperation between Mongolia and the People's Republic of China

Representing Mongolia at international forums and serving on elective bodies

1975, 1979-1986, 1996-2002	Head or Member of the Mongolian delegation in the Sixth (Legal) Committee of theUnited Nations General Assembly
1976-1982	Head or Member of the Mongolian delegation to the III United Nations Conference on the Law of the Sea and the Preparatory Commission for the International Sea-Bed Authority
1976	Legal Adviser of the Mongolia delegation to the Diplomatic Conference on the Reaffirmation and Development of the International Humanitarian Law Applicable in Armed Conflicts
1979	Rapporteur of the Sixth (Legal) Committee
1983	Vice-Chairman of the Special Committee on the Non-Use of Force in International Relations
1983-1984	Vice-Chairman of the II Committee of the Preparatory Commission for the International Sea-Bed Authority
1984	Vice-Chairman of the Sixth (Legal) Committee
1997-2000	Chairman of the Group of Land-Locked Developing Countries at United Nations
1997	Chairman of the North-East Asia subregional Consultative Group Meeting of Land-Locked and Transit Developing Countries, Mongolia

1997	Vice-Chairman of the Third Meeting of Governmental Experts from Land-Locked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions
1997	Vice-Chairman of the Disarmament Commission
1997	Vice-President of the 52nd session of the United Nations General Assembly
1998	Chairman of the XVIII meeting of the States Parties to the International Covenant on Civil on Political Rights
1998	Chairman of the Sixth (Legal) Committee
2000-	Council Member of the Global Environment Facility (GEF)
2002	Vice-President of the First session of the Assembly of States Parties of the International Criminal Court

Representing the Mongolian Government at human rights monitoring bodies

1982, 1984	Committee on Economic, Social and Cultural Rights
1982	Committee on the Elimination of Racial Discrimination
2000	Human Rights Committee
2001	Committee on the Elimination of Discrimination against Women

Major career achievements

1975-1976	Participation in negotiations and final agreement on the main part of Mongolian-Soviet border
1978-1979	Participation in the demarcation of Mongolian-Soviet border
1980	Presentation of a formula on decision-making at the Council of the Sea-Bed Authority at the ninth session of the Third United Nations Conference on the Law of the Sea
1984	Negotiated at the 34th session of the United Nations General Assembly of the consideration and adoption by the Assembly of Declaration on the Right of Peoples to Peace (UNGA resolution 39/11 of 1 November 1984)
1992-1994	Organization and coordination of the work of consideration and adoption by the State Great Hural (Parliament) of Mongolia of: (a) Concept of National Security of Mongolia (b) concept of Mongolia's Foreign Policy (c) The Fundamentals of the Military Doctrine of Mongolia
1992-1994	Legal adviser for negotiations of Mongolia's long-term basic treaties with the Russian Federation and the People's Republic of China on good-neighbourly relations and cooperation

1997-1998	Initiated and negotiated the adoption by the General Assembly of the United Nations in 1998 of the Principles and Guidelines for International Negotiations (UNGA resolution 53/101 of 8 December 1998)
1998, 2000	Negotiated General Assembly resolutions 53/77D and 55/33S both entitled "Mongolia's International Security and Nuclear-Weapon-Free Status"
1999-2000	Prepared the first draft of the Law of Mongolia on the Nuclear-Weapon-Free Status of Mongolia and the Resolution No. 19 of the State Great Hural (Parliament) of Mongolia in connection with the adoption of the Law on the Nuclear-Weapon-Free Status of Mongolia
1998-2000	Represented Mongolia at negotiations with the representatives of the five nuclear-weapon States that led to the adoption by the five nuclear-weapon States of the Statement on Security Assurances in Connection with Mongolia's Nuclear-Weapon-Free Status

Teaching/lecturing

Mongolian State University, Mongolian Institute of Oriental Studies, School of Foreign Service (National University of Mongolia), Moscow State University (USSR), Diplomatic Academy (Moscow), Columbia University (New York), University of Utah, University of Pittsburgh (Honors College), World Affairs Councils of Pittsburgh and Seattle, Indiana University (Bloomington), Brigham Young University (David Kennedy Center for International Studies), University of Virginia (Charlottesville), Seton Hall University (School of Diplomacy and International Relations), Ball State University (College of Sciences and Humanities), Council on Foreign Relations, The National Committee on American Foreign Policy (New York), etc.

Membership in Academic Societies and Editorial Boards

1986-1988	Member of Mongolian society of international law
Since 1997	Member of Mongolian Association of foreign policy studies
Since 1995	Member of Editorial board of "Strategic Studies" quarterly magazine of Mongolian Institute of Strategic Studies
Since 2002	Member of Editorial board of United Nations *Diplomatic Times*

Publications

1992	Editor and translator of the first Mongolian language edition of "*Human Rights Instrument*"
1996	Editor of the first Mongolian textbook "*Public International Law*"
1979	*International legal questions relating to the rules of procedures at inter-national fora.* Pravovedeniye, Moscow

1980	*United Nations Charter: Legal analysis of some of its provisions.* Mongolian Law Review
1978	*Charter of CMEA: Some legal issues connected with its interpretation.* Moscow State Institute for International Relations. Moscow
1985	*Ensuring Peace in Asia and the Pacific: The Mongolian Initiative.* Asian Survey. October
1995	*National Security: Problems and Prospects.* Ardyn Erkh, Ulaanbaatar
1996	*Role of small States in international relations: Mongolia between the giants.* Bloomington, Indiana
1997	*Nuclear-Weapon-Free Zones: Prospects and Problems.* Disarmament: A periodic review by the United Nations
2000	*Mongolia's Nuclear-Weapon-Free Status: Concept and Practice.* Asian Survey. March/April
2001	*Mongolia's Nuclear-Weapon-Free Status: The case for a Unique Approach.* Mongolian Institute for Strategic Studies
2001	*Mongolia's Status: The Case for a Unique Approach* Asian Affairs. Winter
2002	*Step Towards Strengthening International Criminal Justice.* Mongolian Institute for Strategic Studies
2002	*International Criminal Court is being established.* Udriin Sonin. April
2002	*Views of Small States on International Criminal Court.* Paper presented to The Third International Symposium: The United States and the United Nations: Governance and the Challenge of Contemporary Crisis
2002	*New Sino-Russian treaty of friendship: legal and political implications for third States.* Mongolia society, Washington, D.C.
2002	*External aspects of Mongolia's security.* Chapter in "Mongolia in the World", Ulaanbaatar, Mongolia

Languages

English, Russian, French, Spanish and Mongolian

Title, awards

1979	Doctor of Jurisprudence
1991	Mongolian State Order of Polar Star
2000	Envoy Extraordinary and Plenipotentiary of Mongolia

* * *

Ambassador J. Enkhsaikhan is a well-known Mongolian lawyer with vast experience in international relations, including in human rights promotion and protection. In 1992-1993, he served as the legal adviser to the President of Mongolia, when Mongolia began its legal reforms in the transition period from an authoritarian system of government to a democratic one. He edited the first compendium of the international human rights instruments and represented Mongolia at major human rights monitoring bodies, including at the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women. For many years he represented Mongolia in the Third Committee of the United Nations General Assembly, where human rights issues are widely debated and important recommendations are taken.

In the years 1975-1979 and 1986-1988, Ambassador Enkhsaikhan represented Mongolia at bilateral negotiations on consular issues, provision of legal assistance in criminal, civil and family cases, and has thus acquired first-hand experience in dealing with the rights of individuals. He served as Rapporteur, Vice-Chairman and Chairman of the Sixth (Legal) Committee of the General Assembly and in 1998 was elected Chairman of the eighteenth meeting of the States Parties to the International Covenant on Civil and Political Rights.

The National Commission for Human Rights of Mongolia believes that Ambassador J. Enkhsaikhan fully satisfies the criteria set out in article 51 (3) of the Constitution of Mongolia on the appointment of the judges to the Supreme Court of Mongolia, and thus to serve in such a high legal office. Therefore the Commission fully supports the nomination of Ambassador J. Enkhsaikhan on behalf of Mongolia for election as a judge of the International Criminal Court.

Chief Commissioner of the
National Human Rights Commission of Mongolia

(*Signed*) Suren **Tserendorj**

9. Fulford, Adrian (United Kingdom of Great Britain and Northern Ireland)

[Original: English]

Note verbale

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations has the honour, with reference to the Secretary-General's note of 13 September 2002, to communicate to the Legal Counsel of the United Nations the United Kingdom's nomination of Mr. Adrian Fulford Q.C. as a candidate for election as a judge of the International Criminal Court.

...

The procedure followed for the nomination of Mr. Adrian Fulford Q.C. as a candidate for election as a judge of the International Criminal Court followed that for the nomination of candidates for appointment to the highest judicial offices in England, Wales and Northern Ireland (article 36.4 (a) (1) of the Statute of the International Criminal Court). The United Kingdom used a transparent process involving advertisements and a panel of senior members of the judiciary of England and Wales, and Scotland, senior officials and a representative of civil society, who made recommendations to the Lord Chancellor.

Statement of qualifications

(a) Mr. Fulford, being a barrister of more than 10 years' standing and a Queen's Counsel, is a person of high moral character, impartiality and integrity who possesses the qualifications required in the United Kingdom (England and Wales) for appointment to the highest judicial offices (article 36.3 (a)).

Mr. Fulford fulfils the requirements of both article 36.3 (b) (i) and (ii), as is specified in his curriculum vitae. He has established competence in criminal law and procedure and the necessary relevant experience, as judge and advocate, in criminal proceedings. He also has established competence in relevant areas of international law, in particular the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

Mr. Fulford, being a native English speaker, has an excellent knowledge of and is fluent in English (article 36.3 (c)).

(b) Mr. Fulford is being nominated for inclusion in list A for the purposes of paragraph 5 of article 36 of the Statute.

(c) The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute is as follows:

(i) Mr. Fulford is qualified and practices in England and Wales, which has a Common Law legal system;

(ii) Mr. Fulford is a national of the United Kingdom, which is a member of the Western European and Others Group of States;

(iii) Mr. Fulford is male.

(d) Mr. Fulford has legal expertise on a wide range of specific issues relevant to the work of the Court, including, but not limited to, the following:

- Violence against women and children: his extensive courtroom experience includes cases of rape and other serious sexual assault; he is one of a limited number of judges in England and Wales authorized to try rape and serious sex cases;
- His courtroom experience also includes cases of other serious acts of violence, including murder and terrorism;
- He has extensive practical experience of questions relating to evidence in criminal cases, and the handling of sensitive information (including for the protection of victims and sources).

(e) Mr. Fulford is a national of the United Kingdom, and does not possess the nationality of any other State.

* * *

Date of birth: 8 January 1953.

Professional work

1996	Recorder (judge in the Crown Court)
1994	Appointed Queen's Counsel
1978	Called to the Bar (Middle Temple)

Experience as senior barrister in criminal cases, appearing mainly in murder, fraud, drug and rape cases, largely in the Central Criminal Court (The Old Bailey)

Other professional experience

1994	Lecturer in Advocacy, Middle Temple
1999-2001	Lecturer to the Bar and Judiciary (under the auspices of the Bar Council and the Judicial Studies Board) on The Human Rights Act 1998
1997-1999, 2001-	Elected by Criminal Bar Association as Committee Member (The Committee of the Criminal Bar Association is the forum where detailed consideration is given to all contemporary issues of principle concerning the criminal law. For example in 1998 the Committee published detailed responses to the Home Office Report on the treatment of vulnerable or intimidated witnesses. This response gave particular and detailed attention to the position of child witnesses and the victims of rape and kindred offences.)
1999-	Committee Member of the Bar Council Race Relations Committee
1997-	Chair of the Disciplinary Procedures for Bar Council
1997-2000	Member of the Bar Professional Complaints and Conduct Committee

1988-2002	Chairman Area Committee Legal Services Commission (for both the Board and the Commission) Member and later Chairman Area Committee Legal Aid Board (in particular chair of the lengthy investigation into proposed funding for hundreds and possibly thousands of plaintiffs seeking damages from the major tobacco companies for fatal diseases contracted allegedly after smoking)
1979-1980	Legal Adviser North Lambeth Law Centre
1975-1977	Housing Adviser, Shelter's Housing Aid Centre

Publications

Former contributing Editor for *Archbold Criminal Pleading, Practice and Evidence* (1992 edition), the main textbook used by practitioners and judges at all levels (three chapters, including public order and sexual offences, with particular focus on the sections dealing with the offence of rape)

Various articles for *Legal Action Group Bulletin* 1980-1990, particularly on sexual and public order offences

Former contributing Editor for *Atkins Court Forms*

Main author of the South Eastern Circuit's Response to the *Law Commission Paper No. 138 on Criminal Law — Evidence in Criminal Proceedings: Hearsay and Related Topics*, 1995

Main author of the Criminal Bar Association and Bar Council's *Response to the Auld Report as regards Jury Trial*, and the Government White Paper that followed, entitled *Justice for All 2001* — 2002

Joint author with Hugh Southey of the textbook *A Criminal Practitioner's Guide to Judicial Review and Case Stated* published by Jordans 1999

Joint editor with Hugh Southey of the *United Kingdom Human Rights Reports*, published by Jordans 2000 —

Some cases

In addition to participating in murder, drug, fraud and rape cases, below are examples of other cases.

First instance:

R v Kazem and others (Central Criminal Court 2001) (Afghan hijack case)

R v Kular (Bristol Crown Court 1998) (double murder committed by a British national abroad)

Liberia v Sorious Samura, David Barrie, Tim Lambon and Gugulakhe Radede (charges of capital espionage)

Various terrorist trials (Central Criminal Court) arising out of the events in Northern Ireland and the Middle East, 1990 —

R v Finch and Bossino and others (Southwark Crown Court) 1999 — (money-laundering case)

Some Appellate, including Privy Council, cases:

R v McCann, 2002. (The House of Lords leading authority on anti-social behaviour orders)

R v Waddon 2000, *R v Perrin* 2002. (The two Court of Appeal authorities that define the extent of British jurisdiction over material published on the Internet)

R v Secretary of State for the Home Department ex parte Francois, 1999. (House of Lords decision on prisoners' rights in relation to release on licence)

R v D; R v J, 1995. (Court of Appeal decision on the use of judgements of other courts on issues arising out of the same case)

R v Nottingham Justices ex parte Taylor, 1992. (Divisional Court case concerning venue for trial of juveniles)

Bodden v Commissioner of Police for Metropolis, 1990. (Court of Appeal case on contempt of court)

R v Vickers, 1993, *R v Morgan*, 1997, and *R v Fox*, 1998. (Court of Appeal cases that involved detailed consideration of the circumstances when fresh evidence should be called in criminal appeals, and the assessment of its impact)

Appeals before Judicial Committee of the Privy Council arising out of "death row" cases from Jamaica and Trinidad and Tobago:

Krishna Jairam and Ramsingh Persad v The State (Appeal No. 4 of 2000)

Anderson Noel v The State, 11 September 2000

Lincoln De Four v The State, 21 July 1999 (Appeal No. 4 of 1998)

10. Giannidis, Ioannis (Greece)

[Original: English/French]

Note verbale

The Permanent Mission of Greece to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the latter's note dated 13 September 2002, has the honour to announce that the Government of Greece has decided to present the candidature of Professor Dr. Ioannis Giannidis for the election of judges of the International Criminal Court.

Attached is a curriculum vitae of Professor Giannidis, distinguished both for his most prominent background in the field of criminal law and philosophy of law and his extensive legal experience. Dr. Giannidis has been teaching for more than 20 years in the Faculty of Law at the University of Athens and has a long presence as an author. He currently leads one of the largest and most renowned law offices specializing in complicated white-collar crimes and trials for terrorism (representing the victims' interests) and has an excellent reputation among the judiciary and fellow lawyers. He has academic and professional ties beyond the national borders and has often participated in national and international advisory committees.

The above-mentioned candidate is nominated for inclusion in list A.

Statement of qualifications

1. Mr. Ioannis Giannidis is a member of the Faculty of Law of Athens University, Section of Criminal Law and Criminology, and a member of the Athens Bar. He is a person of high moral character, impartiality and integrity who possesses the qualifications required in Greece for appointment to the highest judicial offices (article 36.3 (a) of the Rome Statute).

2. Mr. Giannidis fulfils the requirements of article 36.3 (b) (i) of the Rome Statute. He has established competence and expertise in criminal law and criminal procedure and he is considered one of the foremost authorities in Greece in these areas. His background is both profoundly theoretical (with publications on the foundations of criminal law) and practical (as a practising defence attorney for the past 20 years). What should also be emphasized is his expertise as a criminal lawyer in the fields of serious financial crimes, corruption and terrorism. In this context he has also dealt with international human rights standards.

3. Mr. Giannidis has an excellent knowledge of and is fluent in both of the working languages of the Court. Furthermore he has excellent knowledge and is fluent in German (article 36.3 (c) of the Rome Statute).

4. For the nomination of Mr. Giannidis the requirements stated in article 36.4 (a) (i) of the Rome Statute are fulfilled and he has been elected from among a number of qualified candidates.

5. Mr. Giannidis is, according to his qualifications, nominated for list A (article 36.5 of the Rome Statute).

6. Mr. Giannidis has acquired his degrees in Greece and Germany and works in Greece. Both Greece and Germany belong to the continental legal system (article 36.8 (a) (i) of the Rome Statute).

7. Mr. Giannidis is a national of Greece, which is a member of the Group of Western European and Other States (art. 36.8 (a) (ii)).

8. Mr. Giannidis is male (art. 36.8 (a) (iii)).

9. Mr. Giannidis, apart from his particular expertise as stated above under 2, has also worked on specific issues related to article 36.8 (b). He was the leading expert and coordinator of a collective work financed by the Grotius programme of the European Union under the title "Comparative Study of Member States' Legislation on Child Exploitation", which was concluded in 1998 and aimed at the collection of all relevant legislation on all aspects of child abuse (corporal, sexual, labour-related, etc.).

* * *

Date and place of birth: 8 March 1950, Athens

Current positions

Assistant Professor of Criminal Law and Criminal Procedure, University of Athens

Founder of I. Giannidis and Associates, an Athens law firm with seven lawyers, all specialists in criminal law

Member of the Athens Bar Association since 1974

Ordinary member of the Legal Council of the National Bank of Greece

Doctoral studies

1977	Doctorate in Criminal Law and Philosophy of Law, University of Munich (Germany) Dissertation adviser: Professor A. Kaufmann Magna cum laude

Undergraduate studies

1973	Law degree, University of Athens Law School

Scholarships

1974-1976	Scholarship from the State of Bavaria (Germany)
1982-1983	Scholarship from the Von Humboldt Foundation (Germany)

Languages

Greek:	Mother tongue
English:	Fluent
German:	Fluent
French:	Fluent

Academic posts

1986	Assistant Professor of Criminal Law and Criminal Procedure, University of Athens Law School
1982	Lecturer in Criminal Law, University of Athens Law School
1983-1984	Lecturer (*Akademischer Rat*) in Criminal Law and Criminal Procedure, University of Munich (Germany) Law School
Other:	Member of the Bureau of the National Criminal Law Association (Greek Section of the International Criminal Law Association)
	Member of the National Association of Criminal Defence Attorneys
	Member of the German Section of the International Association for Legal and Social Philosophy
	Attended major conferences on criminal law, criminal procedure and the philosophy of law in Greece and abroad

Publications (partial list)

2002	"The Necessity and Sufficiency of Criminal Law Theory at the Dawn of the 21st Century", *Poinika Chronica* (2002) (in Greek), pp. 580-82.
forthcoming in 2002	*Justification of Court Rulings in Criminal Law Cases*, vol. II (in Greek). This work, a continuation of the analysis begun in volume I, contains an extensive discussion of the rules of legal argumentation as a basis for the justification of court rulings in criminal law cases.
1997	"Interpretation of Article 14 of the Greek Criminal Code", in *Systematic Commentary on the Greek Criminal Code*, ed. Androulakis, Mangakis et al. (in Greek).
1991	"Justification of and Legal Basis for the Decisions of the Court of Cassation", *Poinika Chronica* (1991), pp. 25-32 (in Greek).
1991	"The Arrest Warrant: Theory and Practice", in the selected proceedings of the third convention of the Greek Criminal Law Association (Athens, 1993), pp. 71-76 (in Greek).
1989	*Justification of Court Rulings in Criminal Law Cases*, vol. I (Athens, Komotini, 1989) (in Greek). This work focuses on the judge's constitutional obligation to justify his or her decision and on the theoretical requirements for an ideal model decision.
1988	"The Vagueness of Substantial Arguments and the Vagueness of Cassation", *Poinika Chronica* (1988), pp. 1003-1004 (in Greek).
1987	"The Role of the Victim in Substantive Criminal Law", in the selected proceedings of the second convention of the Greek Criminal Law Association (Athens, 1993), pp. 31-38 (in Greek).
1986	"The Outset of Commission of a Crime and the Punishment of Attempts", *Poinika Chronica* (1986), pp. 3-22 (in Greek).
1986	"The Burden of Proof in Criminal Trials", *Poinika Chronica* (1986), pp. 121-140 (in Greek).

1985	"Justification of sentences in criminal cases", in the selected proceedings of the first convention of the Greek Criminal Law Association (Athens, 1987), pp. 123-28, reprinted in a volume of collected papers in memory of N. Chorafas, I. Gafos and K. Gardikas edited by the Criminal Law Department of the University of Athens Law School (Athens, 1986), pp. 17-24 (in Greek).
1985	"The Value of the Object as a 'Fact' in Fraud Cases", *Poinika Chronica* (1985), pp. 92-94 (in Greek).
1985	"Theft of a Vehicle with an Integrated Radio-cassette Player: One or Two Offences?", *Poinika Chronica* (1985), pp. 283-285 (in Greek).
1981	"A Case of Logical Analysis and Interpretation in Criminal Law", *Poinika Chronica* (1981), pp. 97-113 (in Greek).
1981	"Use of a Forged Document by the Forger", *Poinika Chronica* (1981), pp. 392-397.
1979	*Theorie der Rechtsnorm auf der Grundlage der Strafrechtsdogmatik* (Ebelsbach, Gremer, 1979). This study examines the relationship between the legal terms used in criminal law theory and the underlying theory of norms.
1980 to present	Over 50 comments on judicial decisions. Ordinary associate of *Poinika Chronica*, the most prominent Greek criminal law journal.

Professional activities

Has practised law continuously in Greece since 1986 both as a lawyer dealing with criminal cases and as a legal counsellor for various institutions. Fields of expertise: criminal law, criminal procedure and international and European criminal law. In recent years, has focused on corporate and financial crimes, crimes which require special handling (such as prosecutions of Government officials) and representation of victims of terrorist acts in the criminal courts. Representative of Greece in European institutions (Council of Europe, European Union) on matters relating to criminal law and criminal procedure. Member of several Ministry of Justice advisory committees.

Legal consulting

In recent years, has acted as legal consultant on criminal law issues for major Greek financial institutions and corporations and foreign banks. Has also provided legal services on an ad hoc basis to members of the Greek Government and politicians.

11. Gochev, Dimitar (Bulgaria)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Secretary-General of the United Nations and to the Legal Counsel of the United Nations and, with reference to the Secretary-General's note of 13 September 2002, has the honour to inform him that the Government of the Republic of Bulgaria has decided to present the candidature of Mr. Dimitar Gochev for the post of judge of the International Criminal Court.

Mr. Dimitar Gochev is a highly qualified and experienced lawyer. He has served as a judge in the European Court of Human Rights in Strasbourg for six years. Presently he is a judge in the Constitutional Court of the Republic of Bulgaria and a judge in the Permanent Court of Arbitration in The Hague. Mr. Gochev is an internationally recognized expert in the law of human rights and criminal law. The Government of the Republic of Bulgaria is convinced that he will render a significant contribution to the effective operation of the International Criminal Court.

Statement of qualifications

1. Mr. Dimitar Gochev, having served as a judge in the Constitutional Court of the Republic of Bulgaria since 1994, is a person of high moral character, impartiality and integrity who possesses the qualifications required in the Republic of Bulgaria for appointment to the highest judicial offices.

Mr. Gochev fulfils the requirements of both article 36.3 (b) (i) and (ii), as is specified in his curriculum vitae.

Mr. Gochev has established competence in criminal law and procedure. During his judicial career, he was a judge in the Supreme Court of the Republic of Bulgaria and he was a member of chambers, hearing criminal cases against high-ranking government officials (1990-1994).

Mr. Gochev also has clearly established competence in relevant areas of international law, such as the law of human rights. He served as a judge in the European Court of Human Rights in Strasbourg for six years (1992-1998). Some of the most famous cases in the rulings of which Mr. Gochev has participated are: *Ruiz Mateus v. Spain*, *Jersild v. Denmark*, *Vogt v. Germany*, *Otto Preminger v. Austria*, *McCann v. United Kingdom*, *Chagall v. United Kingdom*, *Acdivar v. Turkey*, *Mendes v. Turkey* and others.

Mr. Gochev has additional extensive experience in international law. He was an arbitrator in the International Court of Arbitration in Paris (1995-1997) and he has been serving as a judge in the Permanent Court of Arbitration in The Hague since 2000.

His profound knowledge and extensive experience as a judge are evidence of his professional legal capacity, which is of relevance to the judicial work of the International Criminal Court.

Mr. Gochev knows several foreign languages. He has an excellent knowledge of and is fluent in English and French.

The nomination of Mr. Dimitar Gochev is a result of the application of both procedures, under article 36.4 of the Rome Statute. The Government of the Republic of Bulgaria took a special decision about the nomination of Mr. Gochev among four candidates.

2. For the purposes of paragraph 5 of article 36 of the Rome Statute, Mr. Dimitar Gochev is being nominated for inclusion in list B.

3. The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Rome Statute is as follows:

(i) Mr. Gochev is qualified and works in the Republic of Bulgaria, which has a continental legal system;

(ii) Mr. Gochev is a national of the Republic of Bulgaria, which is a member of the Group of Eastern European States;

(iii) Mr. Gochev is male.

4. Mr. Gochev has throughout his rich career as a judge published articles which are highly appreciated.

Mr. Gochev is an internationally recognized expert in the law of human rights. To date, he has been a professor at several universities in Bulgaria on topics relating to human rights.

5. Mr. Dimitar Gochev is a national of the Republic of Bulgaria and does not possess the nationality of any other State.

* * *

Date and place of birth: 27 February 1936, Sofia.

Languages: Bulgarian (mother tongue), English, German, French, Russian.

Education

Secondary school, 1949-1954, Sofia (education in English).

University of Sofia, Faculty of Law, 1954-1960.

Specialization in administrative and criminal law, 1960-1961.

Course on fundamental rights — Southern Illinois University Law School, Carbondale, United States of America, 1992.

Professional background

Lawyer's practice, Sofia, 1961-1963.

Judicial experience — 39 years

Judicial experience in Bulgaria

Judge in the Constitutional Court, 1994-present.

Vice-President of the Supreme Court, 1993-1994.

Judge in the Supreme Court, 1990-1994.

Judge in the Supreme Court of Arbitration, 1989-1990.

Judge in the State Court of Arbitration, 1963-1989.

International judicial experience

Judge in the European Court of Human Rights, 1992-1998 (six years). Important cases: *Ruiz Mateus v. Spain, Jersild v. Denmark, Vogt v. Germany, Otto Preminger v. Austria, McCann v. United Kingdom, Chagall v. United Kingdom, Acdivar v. Turkey, Mendes v. Turkey* and others.

National and international experience as arbitrator

Permanent Court of Arbitration in The Hague, since 2000.

International Chamber of Commerce, Paris, 1995-1997.

Court of Arbitration, Commercial and Industrial Chamber, 1987-present.

Participation in international conferences

International (regional for Asia-IAJD) Conference on Human Rights, February 1993, New Delhi: report.

International Conference on "Freedom of Association", Reykjavik, August 1993: report (on behalf of the European Court of Human Rights).

First Conference of the Heads of the Constitutional and Supreme Courts of Europe, Strasbourg, November 1993 (representative of the European Court of Human Rights).

Second Conference of the Presidents of the Constitutional and Supreme Courts, November 1995, Strasbourg.

Third Conference of the Presidents of the Constitutional and Supreme Courts, October 1995, Washington, D.C.

Fourth Conference of the Presidents of the Constitutional and Supreme Courts, November 1996, Washington, D.C.

Eleventh Conference of the European Constitutional Courts, May 1996: report.

Conference of the Presidents of the Constitutional Courts of la Francophonie, September 1998, Beirut.

Conference of the Constitutional Court: "The Constitutions and the European Union", October 1999, Nicosia.

International Conference on "Freedom of Religion", October 2001, Brigham Young University (BYU), Provo, Utah, United States of America: report.

Twelfth Conference of the European Constitutional Courts, June 2002, Brussels: report.

Conference on non-discrimination, June 2002, Prague: report.

Scientific activities

Twenty-eight lectures in different towns in Bulgaria on the topic "Fundamental Rights and the Mechanisms of Protection", 1997-1998.

A course for postgraduate students of the Faculty of Law, University of Sofia, on the topic "Case Law of the European Court of Human Rights", 1998 and 2000.

Lectures on the topic "Constitutional Framework of Freedom of Religion", May 2002.

Publications

"Freedom of Association", Review of the Conference in Reykjavik-Strasbourg, 1994.

"Freedom of Religion in the Case Law of the European Court of Human Rights", *BYU Law Review* (Provo, United States of America).

"Equality and the Prohibition of Discrimination in the Practice of the Constitutional Court" (Bulgarian), *Human Rights Review*, Sofia.

"Constitutional Framework of the Freedom of Religion" (Bulgarian), *Religion and Law*, Sofia, 2002.

Membership of domestic and international legal bodies

Vice-President of the Bulgarian Union of Lawyers.

Member of the Administrative Council of the European Association of Jurists-Democrats.

Member of the Steering Board of the Southeastern European Development Initiative, International Development Law Institute, Rome.

Other memberships

Vice-President of the Bulgarian Tourist Union.

Member of the Parish Council of the local church of St. Kiril and Metodi.

Member of the Board of the Interethnic Initiative Foundation, Sofia.

Member of the Board of the review *Human Rights*.

Member of the Board of the Institute of Principles of Law, Sofia.

12. Heng Vong, Bunchhat (Cambodia)

[Original: English/French]

Note verbale

I have the honour to inform you that the Royal Government of Cambodia has decided to nominate Mr. Heng Vong Bunchhat as a candidate for election to the post of judge of the International Criminal Court in accordance with the rules contained in article 36 of the Rome Statute.

...

This candidate should be placed on list B (specialists in international law).

...

This decision is based on the position of Cambodia with regard to the issue of international suppression of crimes against humanity and its embodiment in the institution of the International Criminal Court, as well as on the qualifications and character of our candidate.

On the first point, Cambodia is undoubtedly the country most directly concerned with the punishment of crimes against humanity. It is keenly aware of both the need for it and the problems entailed and has made vigorous efforts, with United Nations help, to set up the machinery for it. The obstacles encountered in carrying out that collaborative effort should not call into question the country's will to ensure that the crimes committed by the Khmer Rouge are punished with firmness and international credibility. Cambodia's accession to the Statute of the International Criminal Court is indicative of the sincerity of its commitment, and participation by its candidate in the work of the Court would serve to reaffirm its concern. This would be especially the case since the person the country has selected for the task is directly involved on the national level in setting up the machinery to try such crimes.

Mr. Heng Vong Bunchhat fully meets the technical requirements set forth in the Rome Statute for the choice of judges of the International Criminal Court. In addition to the sound foundation of theoretical knowledge evidenced by his teaching career, he has had a wealth of practical experience in all areas of national and international jurisprudence. He is acquainted with the machinery of administration and government and is thoroughly familiar with the political and diplomatic aspects of any government initiative. He is accustomed to participating in international conferences and meetings of the bar.

We believe that Mr. Heng Vong Bunchhat is particularly well qualified to perform the task of international criminal judge. We hope that his appointment will broaden his experience in a way that will be valuable in carrying out the task we have entrusted to him in the national criminal justice sphere, and that it will offer an opportunity to strengthen our collaboration with the United Nations in punishing the crimes committed under the Democratic Kampuchea regime.

(*Signed*) **Hor** Namhong
Minister for Foreign Affairs and International Cooperation

...

The Permanent Mission of the Kingdom of Cambodia to the United Nations has the honour to report that Dr. Heng Vong Bunchhat has been nominated by the Royal Government of Cambodia in accordance with article 36.4 (a) (i) of the Rome Statute of the International Criminal Court.

Statement of qualifications

Dr. Heng Vong Bunchhat is the candidate nominated by the Royal Government of Cambodia for election to the International Criminal Court.

Dr. Heng Vong Bunchhat, a Cambodian national, is presently the Senior Adviser to the Government and former Deputy Minister of Justice. He admirably meets the requirements laid down by the Rome Statute for the choice of judges of the International Criminal Court.

Born in 1943 and educated in Cambodia and Paris, he has held prominent positions in Cambodia. He has acquired an in-depth knowledge of judicial procedures and is thoroughly competent in his teaching capacity in law schools and universities in Cambodia and in France. He was responsible for drafting the Constitution of the Khmer Republic in 1974 and the Constitution of the Kingdom of Cambodia in 1993, and functioned as the legal draftsman in drafting the laws and regulations for the Government of Cambodia. Above all, he is one of the most prominent members of the National Committee, which is delegated to set up the tribunals in collaboration with the United Nations to try the top Khmer Rouge leaders. Besides his keen interest in international legal aspects and his strong enthusiasm to serve an international court respecting the independence of the judiciary, and in view of the fact that Cambodia is underrepresented in international forums, the Royal Government of Cambodia is unanimous in presenting Dr. Heng Vong Bunchhat's candidature to be considered for election as a judge of the International Criminal Court.

Dr. Heng Vong Bunchhat, most appropriately, fulfils the requirements of subparagraph (ii) of paragraph 3 (b) of article 36 of the Rome Statute, as detailed in his curriculum vitae. His sense of integrity, impartiality and dedication in his juristic achievements is of proven record. He is a person of high moral character.

In addition, he has published legal documents in French and various papers and articles in English, French and Khmer, including *The UN and Political Settlement of Cambodian Conflicts* and *"The Sentence on the Crimes Committed by the Khmer Rouge"* in regard to the establishment of the Extraordinary Chamber under the Cambodian Tribunals.

* * *

Date and place of birth: 17 June 1943, Phnom Penh

Education (university degrees)

French baccalaureate (*baccalauréat*), 9 March 1963 (Phnom-Penh centre)

Law degree (*licence*), July 1968

Higher education diploma (*diplôme d'études supérieures*) in political science, December 1968, Faculty of Aix en Provence, France

Higher education diploma (*diplôme d'études supérieures*) in public law, March 1969, Faculty of Aix en Provence, France

Doctorate (doctorat d'État), University of Paris, October 1970

Language proficiency

Khmer (mother tongue)

French (fluently)

English

Teaching posts

(Subjects taught: political science, administrative law, constitutional law, civil liberties)

In Cambodia

Professor at the Faculty of Law and Economics of Phnom-Penh from 1971 to 1975

Dean of the Faculty from 1972 to 1975

Professor at the National School of Administration

In France

Senior lecturer at the Institute of Political Studies and at the University of Social Sciences of Toulouse, from 1975 to 1997

In Thailand during a sabbatical year (1989-1990)

Organized a legal and administrative training course at the Site II refugee camp (on the Cambodian-Thai border)

Private posts

Executive of the National Bank of Cambodia (1968-1969)

Attorney admitted to the Phnom-Penh bar (August 1994)

Judicial posts

Member of the Council of State of Cambodia (1974-1975)

Member of the Constitutional Council (1974-1975)

Administrative posts

Personal adviser to the Prime Minister (19 July 1993)

Vice-Chairman of the Council of Jurists (10 March 1994)

Legal Counsel to the High Council for the Development of Cambodia (2 December 1998)

Member of the Cambodian Authority responsible for frontier problems

Chief Legal Counsel to the Royal Government of Cambodia

Political posts

Deputy Minister for Higher Education and Technical Instruction in the Provisional Government of Cambodia (Government of Norodom Sihanouk), from 2 July 1993 to 1 November 1993

Deputy Minister of Justice of the first Government of the Kingdom of Cambodia, from 1 November 1993 to 7 January 1994

Participation

In international conferences

Member of the Cambodian delegation to the sessions of the General Assembly of the United Nations in 1973, 1974, 1984 and 1985

Member of the Cambodian delegation to the Third United Nations Conference on the Law of the Sea, Caracas (1974)

Member of the Cambodian delegation to the 1984 session of the General Conference of UNESCO

In national committees

For the drafting of the Constitution of the Khmer Republic (1974)

For the drafting of the Constitution of the Kingdom of Cambodia (1993)

For the drafting of major acts of legislation (real estate act, 2001; forestry code, 2002; domestic violence act, 2002; act on trying the crimes committed by members of the Democratic Kampuchea regime, 2001; among others)

Publications

Legal literature

Le Cambodge et la démocratie directe (1970)

Les Institutions du Cambodge, in the series, Documentation française, Notes et études documentaires, Paris, 1968

L'O.N.U. et le règlement du conflit cambodgien, special issue of *Revue de science politique* published by the Institut des Sciences politiques of Toulouse

Le jugement des crimes commis par les Khmers Rouges. Commentaire de la loi du 10 août 2001 portant création de formations extraordinaires au sein des tribunaux cambodgien ... et documents annexes (in the process of publication)

Informational (as part of the work of the Council of Jurists; publication interrupted owing to suspension of funding by the World Bank)

Trilingual periodical publications

Bulletin mensuel des lois et règlements du Cambodge (in three languages; from 1999 to 2001)

Recueil Judiciaire et de Jurisprudence (No. 1, July 2000; No. 2, March 2001)

Trilingual publications on specific topics

L'encadrement juridique de l'élection des députés (April 1998)

La fonction publique cambodgienne (February 2000)

Droit et finances publiques cambodgiennes (June 2000)

Le régime bancaire du Cambodge. Textes et commentaires (March 2001)

13. Hudson-Phillips, Karl (Trinidad and Tobago)

[Original: English]

Note verbale

The Permanent Representative of the Republic of Trinidad and Tobago to the United Nations presents his compliments to the Legal Counsel of the United Nations and, with reference to the Secretary-General's note of 13 September 2002, has the honour to communicate the nomination by the Government of the Republic of Trinidad and Tobago of Karl Hudson-Phillips, Q.C. as its candidate for election as a judge of the International Criminal Court. For the purposes of article 36 (5) of the Rome Statute, Mr. Hudson-Phillips, a national of the Republic of Trinidad and Tobago, has been nominated as a candidate for list A.

...

Mr. Karl Hudson-Phillips is a distinguished national of the Republic of Trinidad and Tobago with a wealth of experience in criminal law and procedure, human rights and constitutional issues, having practised for 43 years before the courts of the English-speaking Caribbean and having appeared before the London-based Judicial Committee of the Privy Council, Trinidad and Tobago's highest appellate court. Mr. Karl Hudson-Phillips is the endorsed candidate of the States members of the Caribbean Community (CARICOM) for this election, having received the endorsement of the Foreign Ministers of CARICOM in September 2002.

In addition, as President of the Law Association of the Republic of Trinidad and Tobago, he has contributed to improvements in the administration of justice, and in the standards of conduct and proficiency of the legal profession in Trinidad and Tobago. Through his membership of the Board of Directors of the Justice Studies Center of the Americas and the Council of the Commonwealth Law Association, he has made a noteworthy contribution in the areas of legal studies, training and professional development.

The Government of Trinidad and Tobago remains committed to the development of international criminal law and to the success of the International Criminal Court and is cognizant of the need for the election of judges of the highest calibre to the Court. The Government is therefore of the view that Mr. Karl Hudson-Phillips' qualifications and experience make him ideally suited for election to the Court and will enable him to make a valuable contribution to the development of the jurisprudence of the International Criminal Court.

The Permanent Representative of the Republic of Trinidad and Tobago to the United Nations presents his compliments to the Legal Counsel of the United Nations and has the honour to inform that the Government of Trinidad and Tobago conducted the internal nomination procedure for the selection of a candidate in accordance with the procedure set out in article 36 (4) (a) (ii) of the Rome Statute of the International Criminal Court.

...

Statement of qualifications

1. In respect of article 36, paragraph 3 (a), Mr. Karl Hudson-Phillips, Q.C., is an eminent practitioner at the criminal bar, a Queen's Counsel, and renowned constitutional expert. He is a person of high moral character, impartial and of integrity who possesses the qualifications required in Trinidad and Tobago for appointment to the highest judicial offices.

2. Mr. Hudson-Phillips fulfils the requirements of article 36.3 (b) (i) as outlined in his curriculum vitae. His established competence in criminal law and procedure is widely acknowledged in the common law jurisdictions of Trinidad and Tobago and the Eastern Caribbean, where, either as lead defence counsel or prosecutor, he has been involved in every major type of criminal prosecution, including murder, treason, fraud, misbehaviour in public office, illegal drugs and extradition. He also has established competence in human rights matters.

3. With respect to article 36, paragraph 3 (c), Mr. Hudson-Phillips is a native English speaker and has a working knowledge of French and Spanish.

4. Mr. Karl Hudson-Phillips is being nominated for inclusion in list A for the purposes of article 36 (5) of the Statute.

5. In respect of article 36 (8) (a) of the Statute:

(v) Mr. Hudson-Phillips' experience is before the courts of Trinidad and Tobago and of other States which have the common law system;

(vi) Mr. Hudson-Phillips is being nominated as a national of Trinidad and Tobago, which is a member of the Group of Latin American and Caribbean States;

(vii) Mr. Hudson-Phillips is male.

6. In respect of article 36 (8) (b), Mr. Hudson-Phillips also possesses legal expertise on a wide range of issues relevant to the work of the Court. Apart from his 43 years of practice at the criminal bar and as a constitutional lawyer, he has appeared in human rights matters in the Caribbean dealing with, inter alia, issues of pre-trial publicity and its effect on due process in the criminal trial. He has also appeared in several extradition matters on behalf of foreign Governments and fugitive offenders. He has dealt with several sensitive cases involving serious acts of violence, most notable among them being the Grenada prosecution of former senior government ministers and military officials for treason and multiple counts of murder of the former Prime Minister Maurice Bishop, members of his cabinet and military and civilian persons.

* * *

Date of birth: 20 April 1933.

Profession: Barrister-at-Law (Gray's Inn)/Attorney-at-Law.

Education

1955	Bachelor of Arts (Law), Selwyn College, University of Cambridge.

1956	Bachelor of Law, Selwyn College, University of Cambridge (Comparative Law — United Kingdom Law of Criminal Procedure and French Code (Penal)).
1959	Master of Arts, University of Cambridge.
1985	Bachelor of Law re-designated Master of Law, University of Cambridge.

Certifications

1959	Called to the Bar of the United Kingdom by the Honourable Society of Gray's Inn.
1959	Called to the Bar of Trinidad and Tobago.
1970	Appointed Queen's Counsel of the Bar of Trinidad and Tobago.
1971	Appointed Senior Counsel of the Bar of the Cooperative Republic of Guyana.
1974	Called to the Bar of Jamaica.
1977	Called to the Bar of Antigua and Barbuda.
1983	Called to the Bar of Grenada.
1985	Called to the Bar of Saint Vincent and the Grenadines.
	Called to the Bar of Saint Kitts and Nevis.
	Called to the Bar of Anguilla.
	Called to the Bar of the Bahamas.
	Called to the Bar of Saint Lucia.
	Called to the Bar of Barbados.
	Called to the Bar of the British Virgin Islands.

Professional experience

1959-present	Extensive private practice in Trinidad and Tobago and the Commonwealth Caribbean, as well as before the Judicial Committee of the Privy Council.
1969-1973	Attorney-General and Minister for Legal Affairs of the Government of Trinidad and Tobago. As Attorney-General: – Oversaw the implementation of significant legislative reform in the areas of criminal law, labour law and divorce law; – Was instrumental in proposing amendments to the Defence Force Act to permit military officers from the Commonwealth countries of Ghana, Nigeria, Singapore, Guyana, Uganda and Kenya to sit on courts martial into military offences in Trinidad and Tobago arising from the mutiny of some members of the Trinidad and Tobago Regiment in 1970.

Defended and prosecuted in several high-profile criminal trials in the Caribbean region, involving murder, treason, misbehaviour in public office, fraud, illegal drugs and extradition. Also appeared in several constitutional motions, libel and land acquisition matters, and election petitions.

Other professional experience and offices held

1966-1976	Member of Parliament, Trinidad and Tobago.
1974-1984	Founder of the National Land Tenants and Ratepayers Association of Trinidad and Tobago, which Association successfully agitated for land law reform, resulting in the 1981 Land Tenants (Security of Tenure) Act.
1980	Founder of the Organization for National Reconstruction (ONR), a political party which contested the national elections in Trinidad and Tobago in 1981. The ONR later merged with other parties to form the National Alliance for Reconstruction (NAR), which subsequently formed the Government in Trinidad and Tobago in 1986.
1987	Chairman, Commission of Inquiry into the operations of the Royal Saint Lucia Police Force.
1992-present	Member of the Council of the Commonwealth Law Association.
1999-present	President of the Law Association of Trinidad and Tobago.
1999-present	Elected as a member of the Board of Directors of the Justice Studies Centre of the Americas (of the Organization of American States), Santiago, in 1999 for a three-year term, and re-elected for another term in 2002.

Publications

The Historical Development of the Settlement of Trade Disputes in Trinidad and Tobago, ILO monograph, 1968.

"A Case for Greater Public Participation in the Legislative Process", *Statute Law Review*, 1987.

"Law and Practice of Arbitration in Trinidad and Tobago", *International Commercial Arbitration Bulletin*, 1997.

Selected cases and trials

1961	*Defence of Winston Kilgour (murder) in Trinidad and Tobago* — reported at Kilgour — V-R [1960] 2 WIR 506.
1967	*Defence of Dr. William Herbert in St. Kitts* (treason).
1972	*Prosecution of Michael de Freitas (a.k.a. Abdool Malick in Trinidad and Tobago* (murder).

1972	*Prosecution of Stanley Abbot in Trinidad and Tobago* (murder), in which case the non-availability of the defence of duress in murder was established — reported at Michael De Freitas a.k.a. Michael Abdul Malik and Stanley Abbott — v-R [1975] 23 WIR 477.
1977	*Defence — McBean v. the Queen (1977) AC537 — Privy Council* (right of the accused to be present for the whole of his trial).
1978	*Prosecution in the State v. George Walter (former premier of Antigua and Barbuda)* — fraud and misbehaviour in public office (see Walter — v-R [1980] 27 WIR 386).
1979	*Lead Counsel in Grant and Others v. Director of Public Prosecutions, Jamaica*, on constitutional motions to determine issues of fair trial in the context of pre-trial publicity — Jamaica and in the *Privy Council* (see Grant and Others [1982] AC 190).
1982	*Counsel for Plaintiff in Prime Minister Kennedy Simmonds (St. Kitts and Nevis) v. Bryan and France* (libel) — reported at (1982) 38 WIR 172.
1983-1991	*Lead Counsel of the Prosecution in the trials for murder resulting from the assassination of Prime Minister Maurice Bishop and his Cabinet in 1983 in Grenada*. Lead Counsel also appearing for the Attorney-General of Grenada in a series of constitutional motions filed by the accused (see Mitchell v. DPP of Grenada [1985] LRC (const.) 127; [1986] (const.) 35; 1987 (const.) 127).
1997	*Prosecution in the Queen vs. James and Penilia Fletcher* (murder), Bequia, Saint Vincent and the Grenadines.
1998	*Prosecution in the State v. Ramdhanie and Others* — (drug trafficking), Trinidad and Tobago (the first case in Trinidad and Tobago of confiscation of the proceeds of drug trafficking).
1999	*Prosecution in the State v. Boodram, Ramiah and Others* — (murder) Trinidad and Tobago.
2000	*Defence — the State v. Brad Boyce*, Trinidad and Tobago (manslaughter).
2002	*Counsel for Respondent in the State v. Brad Boyce* — appeal by State against directed verdict of not guilty — Trinidad and Tobago.

14. Jorda, Claude (France)

[Original: English/French]

Note verbale

The Permanent Mission of France presents its compliments to the Secretary-General of the United Nations and, with reference to his note dated 13 September 2002, has the honour to inform him that the Government of the French Republic has decided to nominate Mr. Claude Jorda, a French judge currently serving as President of the International Criminal Tribunal for the Former Yugoslavia, as a candidate for the position of judge of the International Criminal Court in the elections to be held in New York from 3 to 7 February 2003 during the resumed first session of the Assembly of States Parties to the Rome Statute of 17 July 1998.

The nomination of Claude Jorda has been made "by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court", in accordance with article 36, paragraph 4 (a) (ii), of the Rome Statute.

...

As indicated in his curriculum vitae and in the detailed statement, annexed hereto, mentioned in article 36, paragraph 4 (a), of the Rome Statute, Mr. Claude Jorda possesses the qualities required under paragraph 3 of that article. He is a senior French judge who has occupied the positions of Vice-President of the Tribunal de Grande Instance, Paris (1978-1982), Director of Judicial Services in the Ministry of Justice (1982-1985), Prosecutor-General at the Appeals Court of Bordeaux (1985-1992) and Prosecutor-General of the Court of Appeals in Paris (1992-1994). Mr. Jorda has been a judge of the International Criminal Tribunal for the Former Yugoslavia since 1994, and has been its President since 1999. By reason of the positions he has occupied, at both the national and international levels, Mr. Claude Jorda possesses all the competence and experience required by the Rome Statute in criminal law and procedure, as both judge and prosecutor, and also in the relevant areas of international law, such as international humanitarian law and the law of human rights.

Mr. Claude Jorda, who is of exclusively French nationality, is a candidate under list A, referred to in article 36, paragraph 5, of the Rome Statute.

...

Statement of qualifications

The Government of the French Republic has decided to nominate Mr. Claude Jorda as a candidate for the position of judge of the International Criminal Court.

Mr. Claude Jorda possesses all the experience and seniority required for appointment to the highest judicial offices in France, as called for in article 36, paragraph 3 (a), of the Statute of the International Criminal Court. Mr. Jorda will be a candidate on list A, containing the names of candidates having "established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings" (art. 36, para. 3 (b) (i)).

Mr. Jorda has 36 years' experience in criminal law and procedure, having been Vice-President of the Tribunal de Grande Instance, Paris; Prosecutor-General at the Court of Appeals in Bordeaux and Prosecutor-General at the Court of Appeals in Paris. Mr. Jorda has been a judge of the International Criminal Tribunal for the Former Yugoslavia since 1994; he was appointed President of the first Trial Chamber in 1995 and was unanimously elected President of the Tribunal by his peers in 1999, a position which he still occupies today, having been re-elected in 2001. As the senior officer of the Court, he initiated the reform of its operations which has made it possible to speed up its procedures and enhance its effectiveness.

Mr. Jorda has wide experience in international law and is fully familiar with the principal legal systems of the world. He has carried out several judicial cooperation missions in Algeria, Canada, Chile and Côte d'Ivoire.

He participates very frequently in conferences and colloquiums on international criminal justice. Several of his statements and publications deal with the place and role of victims in the international criminal courts.

The candidacy of Mr. Jorda was presented to the French Government by the French Group of the Permanent Court of Arbitration, in accordance with article 36, paragraph 4 (a) (ii), of the Statute of the International Criminal Court.

Mr. Claude Jorda speaks French. He also has a good knowledge of English and Spanish. He is of French nationality.

* * *

Date and place of birth: 16 February 1938 in Bone, Algeria.

Degrees and other academic training

1963-1966	Student at the École Nationale de la Magistrature (National College of Magistrates) (ENM).
1965	Degree in Advanced Studies in Criminology (with honours), Faculty of Law, University of Aix en Provence.
1962-1963	Active military service (highest rank: non-commissioned officer). Degree in accounting.
1961	*Licence* and *maîtrise* in law (equivalent to a Master of Arts), Faculty of Law, University of Toulouse (with honours).
1961	Second place in competitive examinations for admission to ENM. First in class for the *Certificat d'aptitude à la profession d'avocat (CAPA)* for the Bar at Toulouse (Competition for admission to the bar). Second in class (lectures and practicals), 4th year of *licence*.
1960	Degree from the Institut d'Etudes Politiques (Foreign Affairs Department, with honours), University of Toulouse. First in class (lectures and practicals), 3rd year of the *licence*.

Law career and professional experience

1999	Unanimously elected President of the International Criminal Tribunal for the Former Yugoslavia.

1997	Re-elected judge of the International Tribunal.
1995-1999	President of Trial Chamber.
1994-1997	Judge of the International Criminal Tribunal for the Former Yugoslavia.
1992-1994	Prosecutor-General at the Court of Appeals in Paris.
1985-1992	Prosecutor-General at the Court of Appeals in Bordeaux.
1982-1985	Director of Judicial Services in the Ministry of Justice.
1978-1982	Vice-President of the Tribunal de Grande Instance in Paris. Seconded to serve as Deputy Director (training courses) at the École Nationale de la Magistrature.
1976-1978	Deputy Director for Judicial Organization and Regulations in the Ministry of Justice.
1970-1976	Secretary-General of the École Nationale de la Magistrature.
1966-1970	Magistrate in the Central Administrative Services Department of the Ministry of Justice.
1963-1966	Auditeur de Justice (magistrate-in-training) (Student at ENM). Third in class.
1996-1997	Fellow at the Institut d'Etudes Judiciares, University of Montesquieu-Bordeaux 4, responsible for teaching international criminal law and human rights.
1971-1976	Lecturer and tutor at the Faculty of Law, University of Bordeaux. Lecturer in civil law at the Training Centre for Banking Professionals.
1967-1970	Lecturer and tutor at the Faculty of Law, University of Paris-Assas.

Legal and judicial cooperation missions

1995	Chile: Judicial cooperation mission for the training of magistrates. Establishment of a School for Magistrates.
1994	Guatemala: Teaching and lectures on legal careers and the independence of the judiciary at the Centro de Estudios y Capacitación Judicial de Centroamerica.
1992	Côte d'Ivoire: Judicial organization mission (court methodology and operation).
1974-1984	Egypt: Contribution to the Egyptian magistrate training project. Cooperation with the Magistrate Training Centre (Cairo).
1978	Algeria: Judicial cooperation in training.
1971	Canada: Franco-Quebecois judicial exchange mission.

Publications, colloquiums and lectures

Publications

Most recent academic work

"Status and role of the victim", to be published in *The Statute of the International Court and International Law*, Oxford University Press.

"Un nouveau statut pour l'accusé dans la procédure du Tribunal pénal international pour l'ex-Yougoslavie", in *Essays on ICTY procedure and evidence in honour of Gabrielle Kirk McDonald*, Kluwer International, 2000.

"Le rôle du Juge dans la procédure face aux enjeux de la répression internationale", *Droit international pénal*, Pédone, Paris, 2000.

"L'œuvre de Justice internationale", *L'Inactuel* (France, 1999).

"The International Criminal Tribunal for the former Yugoslavia: its functioning and future prospects" in *War Crimes and War Crimes Tribunals: Past, Present and Future* (S. Tiefenbrun and L. Friedman, Eds.), 1999.

"Le Tribunal pénal international", in *Crime contre l'humanité, mesure de la responsabilité?, Proceedings of the conferences "Droit, liberté et foi"* CERP, 1998.

Articles of general interest on the International Criminal Tribunal for the Former Yugoslavia (1994-2000)

In: *Le Journal des Tribunaux* (Brussels); *Revue Témoins* (Paris); *L'Observateur des Nations Unies* (Aix en Provence); *Le Bulletin du Centre d'information des Nations Unies* (October 2000).

Colloquiums and lectures

Most recent addresses

December 2000	Italian Society for International Law (Rome), "International Justice and Human Rights". Académie de Législation (Toulouse, France), "ICTY and human rights protection".
September 2000	Solemn Opening of the Academic Year at Bordeaux Universities (France), "International Justice, new protection for human rights".
August 2000	University of Salzburg (Austria), "The status of the victim before the international criminal courts".
July 2000	University of the Basque Country (San Sebastian, Spain), "Souveraineté des Etats et justice internationale".
June 2000	Graduate Institute of Advanced International Studies, Geneva, "Contribution of ICTY case-law to International Law".

Other addresses

1994-1996	Universities: Bordeaux, Paris 1 Panthéon-Sorbonne, Paris-Sud Jean Monnet, Nanterre, Poitiers, Nice, etc. Bar Associations and human rights institutes: Paris, Bordeaux, Montpellier, etc. Congress of SAF (French Lawyers Union) and UJA (Junior Lawyers Union). Conference of the Heads of the French Courts of Appeals. Addresses before the French Comparative Law Centre, the French Society of International Law (International Law Association). Miscellaneous contributions: Amnesty International, Lawyers without Borders, Musée mémorial d'Izieu. Colloquium on the implementation of humanitarian Law, Tunis.

Modern languages

English: Reads and speaks.

Spanish: Reads, speaks and writes fluently.

Honours and decorations

Officer of the Légion d'Honneur (29 March 1993).
Commander of the Ordre National du Mérite (July 2000).
Palmes Académiques (decoration for services to education in France).
Mérite Agricole (decoration for services to agriculture in France).
Médaille de l'Education Surveillée et de l'Administration Pénitentiaire (medal for services to young people in difficulty and prison administration).

Other activities

Member of the French Society of International Law.
Member of the Association "Le Siècle".

* * *

Sir,

Pursuant to article 36, paragraph 4 (a) (ii), of the Statute of the International Criminal Court, signed in Rome on 17 July 1998, and the Statute of the International Court of Justice, I have the honour to inform you that the French Group of the Permanent Court of Arbitration has decided to nominate Mr. Claude Jorda as a candidate for a seat on the International Criminal Court.

I enclose herewith the curriculum vitae of Mr. Jorda, indicating that he possesses all the qualities required according to article 36, paragraph 3, of the Rome Statute.

(*Signed*) Gilbert **Guillaume**

15. Josipović, Ivo (Croatia)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Croatia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour, with reference to the Secretary-General's note of 13 September 2002, to present the candidature of Mr. Ivo Josipović, who has been nominated by the Republic of Croatia as a candidate for election as a judge of the International Criminal Court.

...

In nominating its candidate for a post of judge of the International Criminal Court, the Republic of Croatia has followed the procedure envisaged in article 36.4 (a) (i). A preliminary notification informing all courts, law schools and other relevant institutions in the Republic of Croatia of the forthcoming elections and the requirements for nominations for the judges of the International Criminal Court was circulated by the Ministry of Justice in June 2002. Immediately after the opening of the nomination period in September 2002, a public announcement was published in the Official Gazette of the Republic of Croatia and major daily newspapers. Following the examination of the submitted applications by the Ministry of Justice and extensive consultation, the Government of the Republic of Croatia has taken the final decision on the nomination.

...

Statement of qualifications

(a) Mr. Ivo Josipović, a prominent expert in criminal law and procedure, including international criminal law, is a person of high moral character, impartiality and integrity who possesses the qualifications required in the Republic of Croatia for appointment to the highest judicial offices, as required by article 36.3 (a) of the Rome Statute.

Mr. Ivo Josipović has established competence in criminal law and procedure, and is an internationally recognized expert. He is a distinguished professor of Criminal Procedure and International Criminal Law at the University of Zagreb, where he has been teaching since 1985. He has qualified at the Bar examination of the Ministry of Justice and as a trainee judge at the District Court of Zagreb. He has been a member (Legal Affairs) of the Commission of the Government of Croatia for legal assistance to prisoners of war (1992). Mr. Josipović is the author and editor of books and law review articles on international criminal law and international humanitarian law. Mr. Josipović has been a member of the Croatian delegation in the Preparatory Committee for the International Criminal Court and the Rome Conference and has a direct working knowledge of the Court's legal architecture. By following closely the work of the International Tribunal for the Former Yugoslavia as an expert observer for the Croatian Government and by participating as the representative of Croatia before the same Tribunal in a subpoena case (*Blaskic* case) Mr. Josipović has obtained practical experience of the application of international humanitarian law and international criminal adjudication. Since 2000, he has been engaged in a case concerning violations of the Genocide Convention before the International Court of Justice, as a co-agent for the Croatian Government. In parallel to his academic career, Mr. Josipović has been performing valuable advisory work to various national and intergovernmental bodies and NGOs. In his numerous activities with NGOs Mr. Josipović has promoted the rule of law, human rights and international criminal justice (International Tribunal for the Former Yugoslavia, International Criminal Court).

Mr. Josipović is fluent in English.

He therefore fulfils the requirements specified in subparagraphs (a), (b) and (c) of paragraph 3 of article 36 of the Statute.

(b) Mr. Josipović is being nominated for inclusion in list B for the purposes of paragraph 5 of article 36 of the Statute.

(c) The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute is as follows:

(i) Mr. Josipović is qualified to practise law in the Republic of Croatia, which belongs to the civil law system;

(ii) The candidature of Mr. Josipović has been presented by the Republic of Croatia, which is a member of the Group of Eastern European States;

(iii) Mr. Josipović is male.

(d) Mr. Josipović has extensive legal expertise and experience on specific issues relevant to the work of the Court, including, but not limited to, the definition and application of international humanitarian and criminal law and the protection of prisoners of war and protection of victims and witnesses. He had practical experience in those fields during his activities in the Commission of the Government of Croatia for legal assistance to prisoners of war and during collection of evidences as the co-agent in genocide case before the International Court of Justice.

(e) Mr. Josipović is a national of the Republic of Croatia and does not possess the nationality of any other State.

* * *

Date and place of birth: 28 August 1957, Zagreb.

Education and professional work

1980	Graduated from the University of Zagreb, School of Law.
1980-1983	Employed as a trainee judge and later as a judicial councillor at the District Court in Zagreb.
	Participated in postgraduate course in victimology at the Inter-University Centre in Dubrovnik.
1982	Passed the Bar examination at the Ministry of Justice.
1984	Received Master's degree at the University of Zagreb (Criminal Law).

	Started university career as Assistant Lecturer. Lectured at the postgraduate course in victimology at the Inter-University Centre in Dubrovnik.
1985	Short-term specialization at the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), Helsinki.
1988	Short-term specialization at Yale University, United States of America. Lectured at the postgraduate course at the Inter-University Centre in Dubrovnik.
1990	Specialization in criminal law at the Max Planck Institute, Freiburg, Germany. Short-term specialization at HEUNI, Helsinki.
1994	Specialization at University of Graz, Austria.
1995	Received Ph.D. in criminal law from the University of Zagreb, with doctoral thesis on pre-trial detention.
1995-present	Lecturer and Professor at the School of Law, University of Zagreb. Currently Professor of Criminal Procedure and International Criminal Law, also lecturing at the Police Academy and the Diplomatic Academy.
1998	Member of the Committee for the harmonization of the Croatian legal system with the European Convention on Human Rights.
2000	Short-term specialization at the Max Planck Institute, Hamburg, Germany.
2002	Invited to lecture on international humanitarian law at the Military Academy in 2003 as a visiting professor.

Participated in numerous national and international symposiums and conferences, dealing in particular with international law and international humanitarian law. Published several books and articles, inter alia, on international criminal law, particularly the International Tribunal for the Former Yugoslavia, the International Criminal Court (see list of publications).

Other professional activities

Participated as an expert in the activities of various national and international bodies and represented the Republic of Croatia in several legal matters:

1992-1996	Member (Legal Affairs) of the Commission of the Government of the Republic of Croatia for legal assistance to prisoners of war.
1995-1999	Observer of the Government of the Republic of Croatia accredited to the International Tribunal for the Former Yugoslavia.
1998	Expert in Constitutional and Legal Policy Institute mission to Ukraine on pre-trial detention.

2000	Expert in Constitutional and Legal Policy Institute mission to Mongolia on alternatives to imprisonment.
2001	Member of the Governmental Council for cooperation with the International Tribunal for the Former Yugoslavia.
1998-2000	Expert-member of the Judicial Committee of the Croatian Parliament.
1996-1998	Member of the Croatian delegation to the Preparatory Commission for the Establishment of the International Criminal Court.
1997	Represented the Government of the Republic of Croatia in the subpoena case before the International Tribunal for the Former Yugoslavia (*Blaskic* case).
1998	Member of the Croatian delegation at the Rome diplomatic Conference (June/July 1998).
1999	Expert of the Council of Europe on the prison system in Azerbaijan.
2000-present	State Counsellor for justice issues affiliated to the Ministry of Justice. Member of the working group for the preparation of the ratification of the Rome Statute of the International Criminal Court.
2000-present	Co-agent of Croatia before the International Court of Justice (*Genocide* case, *Croatia v. Federal Republic of Yugoslavia*).

Scientific activities and research (most important)

1986-1990	Participated in the scientific project "European law and the protection of basic human rights" (University of Zagreb).
1995	Participated in projects on pre-trial detention and alternatives to imprisonment at the Constitutional and Legal Policy Institute mission, Budapest. Also acted as a member of missions to the Ukraine and Mongolia.
1995	Participating in the project "New Croatian Legal System" at the School of Law, University of Zagreb.
2000	Headed a scientific project entitled "Croatia and International Criminal Tribunals".
	Co-presided with Judge Michèle Rivet, President of the Quebec Human Rights Tribunal (Montreal), the Canadian-Croatian project "Independence and Impartiality of the Judiciary", organized by the Canadian section of International Commission of Jurists, the Croatian Law Centre and the Croatian Helsinki Committee.
	Participated in projects for correlating the *Croatian Encyclopaedia*, *Law Lexicon* and *Dictionary of Criminal Law*.

Participation in legislative procedure and preparation of Croatian legislation (selection of the most important legislation)

Participated as the primary expert or member of expert teams in the preparation of:

Constitutional Law on the Cooperation of the Republic of Croatia with the ICTY (leader of the expert team)

Law on Ratification of the Statute of the International Criminal Court (leader of the expert team)

Criminal Procedure Act

Law on the State Attorney

Law on the Prevention of Money-Laundering (leader of the expert team)

Imprisonment Act

Partially participated in the preparation of other laws, e.g. Criminal Law, Copyright Law, Law on Family Violence, various by-laws.

Membership in scientific or law societies and bodies

World Academy of Art and Science.

Association Internationale de Droit Pénal.

Croatian Academy of Legal Sciences.

Croatian Association of European Criminal Law (founding member).

Croatian Association for Criminal Sciences and Practice.

Croatian Law Centre (founding member).

Croatian Copyright Society (founding member).

International Copyright Society (INTERGU).

Activities in the field of human rights, the promotion of the rule of law and international humanitarian law

Participated in various projects at the Croatian Law Centre and Croatian Helsinki Committee and cooperated with various foreign organizations and NGOs from abroad (e.g., Germany, Canada, Finland, Austria, the Netherlands, Federal Republic of Yugoslavia, Bosnia and Herzegovina). Edited and internationally recognized book on International Tribunal for the Former Yugoslavia implementing legislation for the International Tribunal for the Former Yugoslavia and the first Croatian book on the International Criminal Court (see list of publications). Also advocated and publicly promoted (through daily papers, periodicals, radio and TV) the need for international criminal tribunals and cooperation of individual States with the International Tribunal for the Former Yugoslavia.

List of publications*

2002 **The Legal Road to the Resolution of Conflict of Interests Between the ICTY and States: the Example of Croatia, in: Roggemann, H.; Sarcevic, P. (eds.), *National Security and International Criminal Justice*, Kluwer, 2002, pp. 147-162.**

"Reforma sustava visokog obrazovanja i znanosti: tranzicija iz nepoznatog u nepoznato" (The reform of the systems of science and higher education: transition from the unknown to the unknown), *Zbornik Pravnog fakulteta u Zagrebu*, 2/2002, pp. 443-464.

Croatian Judiciary in Post-transition: Crisis of Judiciary or Crisis of Legal Profession, in *Croatian Judiciary: Lessons and Perspectives* (Hrvatsko pravosuđe u post-tranziciji: Kriza pravosuđa ili kriza pravne struke, u: *Hrvatsko pravosuđe: Pouke i perspektive*), (eng/cro) Netherlands Helsinki Committee i Hrvatski helsinški odbor za ljudska prava, Zagreb, 2002, pp. 13-36.

2001 ***Stalni Međunarodni kazneni sud (Permanent International Criminal Court)*, u koautorstvu s (in co-authorship with) Krapac, Davor; Novoselec, Petar, Narodne novine, Zagreb, 2001, 429 pp.**

Admission of Additional Evidence (commentary on two ICTY decisions), in: Klip, A. — Sluiter (eds.), *Annotated Leading Cases of International Criminal Tribunals Intersentia*, Antwerp-Oxford-New York, 2001, pp. 314-323.

Novi prekršajni i prijestupovni postupak: kreativna inovacija ili nedomišljen eksperiment (New Criminal legislation: creative innovation or experiment), *Hrvatski ljetopis za kazneno pravo i praksu*, 1/2001, pp. 343-352.

Postupak za financijske prekršaje de lege lata i de lege ferenda (zajedno s Perković, M.), (Procedure for financial offences de lege lata and de lege ferenda (in co-authorship with Perković, M.)), *Hrvatski ljetopis za kaznno pravo i praksu*, 2/2001, pp. 465-478.

Kazneno procesno pravo-primjerovnik (Law on Criminal Procedure-Practice), Krapac, D. (ed.), Narodne novine, Zagreb, 2001, pp. 79-94.

2000 ***The Hague Implementing Criminal Law/Haško implementacijsko kazneno pravo* (Engl/Cro) Hrvatski pravni centar i Informator, Zagreb, 2000, 826 pp.**

Pregled i pretraga motornog vozila (Search and Seizure of the motor vehicle), *Zbornik Savjetovanja sudaca*, Opatija, 2000., pp. 38-59.

1999 Pravni i organizacijski aspekti hrvatske kulturne politike (Legal and Organizational Aspects of Croatian Cultural Policy), *Zbornik Pravnog fakulteta u Zagrebu*, 1/1999, pp. 274-309.

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* Publications bearing on international criminal law have been written in bold type. For each work published in Croatian the original Croatian title is first quoted, followed by the title in translation within parentheses.

Neki organizacijski i postupovni aspekti reforme prekršajnog prava u svjetlu mitova koji joj (ne)mogu biti temelj (Some organizational and procedural aspects of the reform of the criminal law and myths that cannot serve as the basis for the reform), *Hrvatski ljetopis za kazneno pravo i praksu*, 2/1999, pp. 445-460.

1998 **Implementing Legislation for the Application of the Law on the International Tribunal for the Former Yugoslavia and Criteria for its Evaluation, *Yearbook of International Humanitarian Law*, vol. 1/1998, pp. 35-68.**

Uhićenje i pritvor (*Arrest and Pre-trial Detention*), Targa, Zagreb, 1998, 541 pp.

Kulturna politika Republike Hrvatske: Pravne i organizacijske odrednice, u: Cvjetičanin, B., Katunarić, V. (eds.), *Kulturna politika Republike Hrvatske — Nacionalni izvještaj*, Ministarstvo kulture Republike Hrvatske Zagreb, 1998, str. 33-53. (The cultural policy of the Republic of Croatia: legal and organizational guidelines, in: Cvjetičanin, B., Katunarić, V. (eds.), *The Cultural Policy of the Republic of Croatia — National Report*, Ministry of Culture of the Republic of Croatia, Zagreb, 1998, pp. 33-53).

Zaštita svjedoka i žrtava pred Međunarodnim kaznenim sudom (Protection of Witnesses and Victims before International Criminal Tribunal), u koautorstvu s (in co-authorship with) Miljenić, Orsat, *Hrvatski žrtvoslov, Zbornik radova Prvog hrvatskog žrtvoslovnog kongresa*, Zagreb, 1998, pp. 415-429.

Borba protiv audio i audiovizualnog piratstva, priručnik s popratnim člankom (*Struggle against audio- and audio-visual piracy, a handbook accompanied by an article in the Croatian edition*), Cro/Engl., Council of Europe and Hrvatsko društvo skladatelja, Zagreb, 1998, 124 pp.

Uhićenje i pritvor pred Međunarodnim kaznenim sudom (Arrest and Pre-trial Detention before the International Criminal Tribunal), *Hrvatski ljetopis za kazneno pravo i praksu*, vol. 4, 2/1997, pp. 465-496.

1997 Utjecaj tranzicije na uređenje mjera za osiguranje prisutnosti okrivljenika i uspješno vođenje kaznenog postupka: načelo razmjernosti kao temeljni postulat tranzicije (The influence of transition on the system of measures for ensuring the presence of the accused and a successful criminal procedure), *Hrvatski ljetopis za kazneno pravo i praksu*, vol. 3, 2/1996, pp. 771-794.

Dossier: The Hague Tribunal and Croatia, (ed.), *Croatian International Relations Review*, vol. II, No. 4-5/1996, pp. 1-40.

The International Criminal Tribunal and the Croatian Legal System, Dossier: The Hague Tribunal and Croatia, *Croatian International Relations Review*, vol. II, No. 4-5/1996, pp. 2-14.

1996 **Pravni i politički aspekti nastanka Međunarodnog kaznenog suda za bivšu Jugoslaviju (Legal and Political Aspects of the International**

Criminal Tribunal for the Former Yugoslavia), *Hrvatska i UN*, Organizator, Zagreb, 1996, pp. 183-196.

Uredbe za slučaj izvanredne situacije i njihov utjecaj na temeljna ljudska prava u kaznenom postupku (Ordinances for Emergency Cases and their Effect on Basic Human Rights in Criminal Procedure), *Hrvatski ljetopis za kazneno pravo i praksu*, vol. 2, 2/1995, pp. 278-291.

Obveze država prema Međunarodnom kaznenom sudu za bivšu Jugoslaviju (Obligations of Individual States to the International Criminal Tribunal for the Former Yugoslavia), *Hrvatski ljetopis za kazneno pravo i praksu*, vol. 2, 1/1995, pp. 143-166.

1995 *Pravo o uhićenju pritvoru u kaznenom postuoku* (doktorska disertacija), Sveučilište u Zagrebu (*Arrest and Custody in Criminal Procedure* (doctoral thesis), University of Zagreb), 645 pp. + bibliography.

Međunarodnopravno određenje prava na slobodu, ustavne odredbe o pravu na slobodu i njihove implikacije na kazneni posutpak (International Definition of Freedom, Constitutional Norms Concerning Freedom and their Implications on Criminal Procedure), *Zakonitost*, 8-12/1993, pp. 515-526.

1994 **International Tribunal for War Crimes Committed in the Territory of the Former Yugoslavia, *Yugoslav International Law Review*, 1-2/1994, pp. 1-14.**

Neka pitanja uhićenja i pritvora u kaznenom postupku, (Some Issues Concerning Pre-trial Detention in Criminal Procedure), *Hrvatski ljetopis za kazneno pravo*, 1/1994, pp. 85-97.

1993 **Međunarodni sud za ratne zločine pocinjene na području bivše SFRJ: bilješke uz Rezoluciju 827/93 Vijeća sigurnosti UN (The International Tribunal for War Crimes Committed on the Territory of the Former Yugoslavia — Notes on Resolution 827 (1993) of UN Security Council), *IUDEX*, 3/1993, pp. 35-46.**

Uhićenje i pritvor u međunarodnom pravu s posebnim osvrtom na uređenje pritvora u Europskoj konvenciji o ljudskim pravima, te praksu Europske komisije i suda za ljudska prava (Arrest and Pre-Trial Detention in International Law: Pre-Trial Detention in the European Convention on Human Rights and the Practice of the European Commission and Tribunal for Human Rights), *Zbornik Pravnog fakulteta u Zagrebu*, 43(4)/1993, pp. 659-699.

1992 Zaštita ljudskih prava i reforma hrvatskog krivičnog procesnog zakonodavstva (Protection of Human Rights and the Reform of the Croatian Criminal Procedure Legislature), *Zbornik Pravnog fakulteta u Zagrebu*, 3/1992, pp. 331-335.

1991 **Marginalije povodom mogućeg procesuiranja ratnih zločina počinjenih u ratu u Hrvatskoj (Some Marginal Issues Concerning the Trial of War Crimes Committed in the War in Croatia), *Zakonitost 41*, 11-12/1991, pp. 1294-1303.**

Fizičko-tehnička zaštita i njene granice sa stanovišta zaštite prava građana (Physical and Technical Protection and its Limitations), *Zbornik radova sa savjetovanja Zaštita u informatičkoj djelatnosti*, Zavod za informatičku djelatnost, Zagreb, 1991, pp. 1-6.

Teze za razgovor o pravnoj državi i krivičnopravnoj represiji u svjetlu postulata pravne države (Discussion on State and Criminal Law Repression in the Light of the Rule of Law), *Pravna država-Zbornik radova*, Institut za kriminološka i sociološka istraživanja, Beograd, 1991, pp. 133-145.

1990 Pravni problemi upućivanja osuđenika na izdržavanje kazne zatvora uz osvrt na neka pitanja slanja presude na izvršenje (Some Legal Issues Concerning the Sentence of Imprisonment), *Penologija*, 1/1990, pp. 235-260.

The Position of the Victim within the Framework of the Criminal Justice System in Yugoslavia (Položaj žrtve u sustavu jugoslavenskog krivičnog prava), u: Joutsen, Matti (ed.), *Changing Victim Policy: The U.N. Declaration and Recent Developments in Europe*, HEUNI, Helsinki, 1989, pp. 157-169.

1989 Prethodni krivični postupak — neki praktični aspekti (Pre-trial Criminal Procedure — Some Practical Aspects) u koautorstvu s (in co-authorship with) Petranović, M., Supreme Court Judge, *Naša zakonitost*, 2-34/1989.

Procedure Before Conciliatory Council — Alternative Way of Resolving The Social Conflict Resulting from a Crime, *Zbornik radova Viktimološkog simpozija*, Zagreb, 1989, pp. 49-54.

Službene bilješke organa unutrašnjih poslova o informativnom razgovoru s osumnjičenikom i njihova uloga u krivičnom postupku (Police Reports on the Interrogation of the Suspect and Their Role in the Criminal Procedure), *Priručnik*, 5/1987, pp. 425-431.

Žalba na odluku o imovinskopravnom zahtjevu u krivičnom postupku (Appeal on Decision on Civil Claim in Criminal Procedure), *Zbornik radova*, Društvo za građanskopravne znanosti i praksu Hrvatske, Zagreb, 1989, pp. 282-289.

Pritvor i prava građana u krivičnom postupku (Custody and Civil Rights in the Criminal Procedure), *Zbornik Pravnog fakulteta u Zagrebu*, Suppl. No. 5-6, pp. 879-892.

1988 Povijesnopravni i komparativnopravni aspekt uloge policijskih bilješki u krivičnom postupku (The Role of Police Reports in the Criminal Procedure From the Historical and Comparative-Law Point of View), *Pravnik*, 2-3/1988, pp. 111-122.

1987 Utjecaj posljednjih izmjena i dopuna Zakona o krivičnom postupku na procesni položaj okrivljenika (The Impact of the Recent Amendments to the Criminal Procedure Law on the Status of the Defendant), *Pravnik*, 1/1987, pp. 43-52.

1985 Peti internacionalni viktimološki simpozij — analiza tematike (The Fifth International Victimology Symposium — review), *Zbornik Pravnog fakulteta u Zagrebu*, 4/1985, pp. 305-311.

I. Kramarić — I. Korać: "Krivični postupak" — review, *Pravnik*, 3/1985, pp. 109-116.

Neki problemi ocjene dokaza u krivičnom postupku (Some Issues Concerning the Assessment of Evidence in the Criminal Procedure), *Pravnik*, 22-23/1985.

1984 Treće savjetovanje Udruženja za kriminologiju i krivično pravo Hrvatske — review, *Naša zakonitost*, 4/1984, pp. 509-523.

1983 Izuzeci od načela traženja materijalne istine u krivičnom. procesnom pravu SFRJ (Exceptions from the Principle of Searching for Material Truth in the Criminal Procedure Law of the SFRJ), *Naša zakonitost*, 6/1983, pp. 54-74.

Neki problemi vezani uz krivično djelo izdavanja čeka bez pokrića (Some Issues Related to Committing the Crime Of Passing a NSF Cheque), *Naša zakonitost*, 7-10/1983, pp. 123-136.

1982 Krivičnopravni aspekti krvne osvete (Blood Feud From the Point of View of Criminal Law), *Pitanja*, 10-12/1982, pp. 20-25.

1980 Ugovor o licenci o pozitivnom pravu SFRJ (Contract on Licence in Yugoslav Legal System), *Pravnik*, 16-17/1980, pp. 108-120.

1979 Pravo i moral (Law and Ethics), *Pravnik*, 14-15/1979, pp. 49-62.

16. Karibi-Whyte, Adolphus (Nigeria)

[Original: English]

Note verbale

The Permanent Mission of the Federal Republic of Nigeria to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to his Note LA/COD/42(C) dated 13 September 2002 on the nomination of judges for the International Criminal Court, has the honour to inform that Nigeria in accordance with its procedure for the nomination of a Judge to the highest Court in the country, has nominated Justice Adolphus Karibi-Whyte as its candidate for the position of a Judge in the International Criminal Court (ICC) in the election to be held in February 2003.

The Hon. Justice Karibi-Whyte had served in various capacities including the High Court and the Federal Court of Appeal of Nigeria before he was appointed Justice of the Supreme Court of Nigeria, the highest court in Nigeria, in 1984. He served in the Supreme Court until he was appointed a Judge of the International Criminal Tribunal for the former Yugoslavia in 1993, where he also served as the Vice-President of the Tribunal from 1995-1997. A highly respected jurist, an academic and a prolific writer with high moral standard, Justice Karibi-Whyte has many publications of repute to his credit.

Nigeria believes that Justice Karibi-Whyte's personal integrity, wealth of experience, professional competence and versatility will be a great asset to the Court and the international community in the global fight against impunity and related crimes against international humanitarian law.

From the foregoing, Justice Karibi-Whyte is, undoubtedly, professionally competent in the area of criminal law and procedure as well as in the area of international humanitarian law. His unique qualifications and experience make him versatile and therefore a mature candidate for both list A and list B. However, for the purposes of the first election Justice Karibi-Whyte is nominated for listing in list A.

...

Statement of qualifications

Place and date of birth: Abonema, Degema L.G.A., Nigeria, 29 January 1932

Secondary school:	Kalabari National College, Buguma, Rivers State 1946-1950 Cambridge Senior School Certificate
Clerk:	Judicial Department, Lagos, July 1951-August 1957

Cambridge Higher School Certificate: Private Study, 1953, 1955

University of Hull, Hull, Yorkshire, England: 1957-1960, LL.B. (Hons.) Class 2 Division (1)

University College, University of London: 1960-1962, LL.M.

Ph.D (1971), Faculty of Law, University of Lagos — Topic — History and Sources of Nigerian Criminal Law

Appointments held

Research Officer in Law 1962-1965, Restatement of African Law Project, School of Oriental and African Studies, University of London

1963-1964, Field Research in Sierra Leone and the Gambia, Recording, Restating, Customary Law of Land, Marriage and Succession, Political Institutions of the Indigenous Societies of the two countries

Lecturer in Law, Faculty of Law, University of Lagos
1965-1971, Criminal Law, Constitutional Law, Company Law, Conflicts of Laws, International Law, Press Law, Family Law

Head of Law Reporting, Revision and Research, Ministry of Justice, Rivers State, Port Harcourt — January 1971

Courses attended

Attended Law School, Columbia University, New York, a course in legislative drafting and research — August-December 1972

Attended a course in Law and Development, Law School, University of Wisconsin, Madison, June-August 1972

Appointed Legal Draftsman, 1973, Drafting of legislation and supervision of junior members of the Division

Acting Solicitor-General — December, 1975
Overall head of the Ministry and supervision of the Departments

Associate Professor of Law, Faculty of Law, University of Lagos, March 1976

Appointed Judge Federal Revenue court, June 1976

Appointed Justice Federal Court of Appeal, October 1980

Appointed Justice, Supreme Court, July 1984

Judge, International Criminal Tribunal, The Hague, 17 November 1993
Vice President, International Criminal Tribunal for the former Yugoslavia, 1995-1997

Chairman, Administrative Inquiry into the Ministry of Works, Rivers State, 1975

Chairman, Counterfeit Currency Tribunal, 1977

Chairman, Election Tribunal II, Kwara State, 1979

Chairman, Inquiry into the Nigerian Agricultural and Co-operative Bank, 1980

Chairman, Civil Disturbances Tribunal, 1987

Chairman, Committee for the Unification and Reform of the Criminal Code, Penal Code, Criminal Procedure Act, and Criminal Procedure Code, 1988

Member Advisory Committee on Judicial Education

Chairman, Nigerian Institute of Advanced Legal Studies, since 1987-1993

Chairman, Law Reporting Committee, Rivers State, 1971

Chairman, Law Reporting Committee, Federal High Court, 1977-1980

Chairman, Nigerian Constitutional Conference 1994/95
Published articles, lectures and books

Some published articles

Criminal law

"Res Furtiva in Nigerian Criminal Law" (1963), Nigerian Bar Journal, 26-35.

"Unlawful Possession in the Criminal Code" (1967), Nigerian Bar Journal, 11-33.

"Some recent Amendment to the Criminal Code" (1969), Nigerian Law Journal, 156-164.

"Conspiracy in Nigerian Criminal Law" (1971), Nigerian Bar Journal, 22-34.

"The enigma of the Contempt Power" (1970), Nigerian Law Journal, 153-155.

"Seditious Publications" — A Chapter in Press Law (1971), 67-86.

"The Penal Code", in Nigerian Journal of Islamic and Comparative Laws (1974).

"Cultural Pluralism and the formulation of Criminal Policy" — Paper read at the International Seminar on Criminology, Abidjan, April 1974.

"Offences against the Persons (Special Provisions) Decree 1974". Nigerian Journal of Contemporary Law.

"Rational Foundations of Our Criminal Law" — 28 March 1990. Lecture delivered at the Law Faculty, Ogun State University.

"Reshaping Our Criminal Law" — 23 July 1990, Lecture delivered at the University of Benin.

"An Examination of the Criminal Justice System" — Contribution to the National Workshop on Law Development and Administration in Nigeria, 21-25 September 1987.

"National Policy on Compensation to Victims of Crime: How Desirable?" Paper presented at the Conference on Criminal Justice, Restitution, Compensation and Victims Remedies — Abuja, 28-30 June 1989.

"Two Decades of Criminal Policy — The Nigerian Experience" — Justice (1990), Vol. 1, Number 5, pp. 17-25.

"Problems of Transnational Criminal Law in some African Countries" — paper presented at the International Workshop on Principles and Procedures for a New Transnational Criminal Law, May 21-25, at Freiburg.

"Federal Republic of Germany — Society for the Reform of the Criminal Law".

"Dismissal of Managing Directors" (1966), Nigerian Bar Journal.

"Some Reflections on Company Law Reform". Lecture delivered at the Rivers State University of Science and Technology, on 28 April 1988, Port Harcourt.

Legal education

"Law Teacher, Law Teaching and the Legal Profession in Nigeria", 1968. Paper presented at the Association of Law Teachers' Conference at Zaria.

"Law Faculty Curricula in Nigerian Universities: An Evaluation". Paper presented at the Association of Law Teachers' Conference at Ife, 1969.

"The future of the Legal Profession in Nigeria" — A lecture delivered at the Nigerian Law School on 26 January 1991 in honour of the 70th birthday of Chief F.R.A. Williams, S.A.N.

Constitutional law

"The Legal Effect of Creation of States on the Organisation of the Civil Service" — Paper jointly prepared and read with Dr. R. W. Imishue at the Conference of the National Society for Public Administration in 1969.

"Federal Military Government (Supremacy and Enforcement of Powers) Decree No. 28 of 1970". Nigerian Journal of Contemporary Law (1970), 284-292.

"The Constitution Interpretation and Application: Commentary" — All Nigeria, Judges Conference Papers (1982), 195-222.

"Constitutional Experiments and the Search for Social Justice — The Nigerian Experience". Lecture delivered on 16 May 1986 at the University of Benin.

The place of the Judiciary in the 1999 Constitution — All Nigeria Judges Conference 1999. Impeachment clauses in the 1999 Constitution — Nigeria Bar Conference, 2000

Jurisprudence

"Natural Justice — Never So Unnatural". Nigerian Journal of Contemporary Law (1970), 133-156.

"The Decadence of an established aristocracy — Chieftaincy among the Kalabari of the Rivers State". Published in *African Indigenous Law* (1975), pp. 68-90.

"Social Change and the Collaboration of Legal Institutions". Lecture delivered at the Annual Conference of the Magistrate's Association of Nigeria, held at Minna, Niger State, 4-8 November 1985.

"Nigerian Common Law". Lecture delivered at the Faculty of Law, University of Lagos, 7 April 1987, on the occasion of the Silver Jubilee of the Silver Jubilee of the Faculty.

"The Tyranny of Judicial Precedents". Lecture delivered at the University of Calabar on 16 April 1988.

"The Passive Virtues of the Judiciary". Lecture delivered on 23 April 1990 at the Faculty of Law, Bendel State University, Ekpoma.

"Technicalities in the Administration of Justice". A lecture delivered on 1 June 1991 under the auspices of the Inter-Faculty Law Journal.

"Judicial Despotism and the Development of Nigerian Law". Contribution in Essays in Honour of Judge T. O. Elias.

"Politics of the Judiciary — A Commentary" — pp. 125. Paper read at the All Nigerian Judges Conference, 1988.

"The Scope of Locus Standi". Lecture delivered during the 2nd Judicial Lectures held in Nike Lake Hotel, Enugu, November 1990.

"Denloye v. Medical and Dental Practitioners Disciplinary Tribunal" — Nigerian Journal of Contemporary Law (1970), 133-156.

Family law/conflicts of laws

"Nigerian Divorce Domicile: Regional or Federal" (1964), Nigerian Lawyers Quarterly.

"The Matrimonial Causes Decree 1970", Nigerian Journal of Contemporary Law (1970), 1-32.

"O. Okpakapa v. Okoro and Anor". Nigerian Journal of Contemporary Law (1970), 293-299.

"A note on the introduction of Monogamous Marriages in Sierra Leone" — Sierra Leone Studies No. 23 (1967).

Social Change, Public Policy and the Concept of Legitimacy Magistrate Conference in Lagos, 1988.

"Reception of English Law in Sierra Leone: A historical treatment". Sierra Leone Studies (1966), 109-119.

"History of Native Courts in Sierra Leone, 1787-1932". Sierra Leone Studies (1966).

"The reorganisation of Native Courts in Sierra Leone". Sierra Leone Studies (1967).

"The Role and Guidelines for the Participation of the Judiciary in Criminal Justice Administration" — Paper read at the Workshop National Committee on Crime Prevention and Treatment of Offenders — 26-27 June 1980.

Laws of contract, civil procedure, evidence

"Private Contractual Obligations and the Nigerian Civil War" — Nigerian Law Journal (1974), 95-110.

"The domain of representative actions", Nigerian Journal of Contemporary Law (1972).

"Ambit of admissible dying declaration" (1974). Nigerian Law Journal, 76-81.

"Status and Privileges in the Nigerian Legal Profession" — in Fundamentals of Nigerian Law (1989), pp. 267-297.

Petroleum law

"Some aspects of the Law and the Petroleum Industry in Nigeria" (1976).

Law Reports of the Rivers State, Vols. 1, 11.

Revenue Court Law Reports, Vols. 1, 2.

Books

Federal Court: Law and Practice (1984).

Groundwork of Nigerian Criminal Law (1986).

The Relevance of the Judiciary in the Polity: In Historical Perspective (1987).

Criminal Policy: Traditional and Modern Trends (1988).

Sources of Nigerian Criminal Law (1991).

Learned societies

Member of the Body of Benchers.

Member of the Nigerian Society for Criminology.

Member of the Society for the Reform of the Criminal Law in Common Law Countries.

Member of the Nigerian Law Society of International Law.

Member, Nigerian Institute of International Affairs.

Member, International Law Association.

Others

Member of the National Executive Committee of the Nigerian Red Cross Society.

International law

The twin ad hoc tribunals and Primacy over national Courts — Criminal Law Forum 1999, Vol. 9, Nos. 1-2, pp. 55-98.

Chapter 15. Appeal Procedures and Practices — In Substantive and Procedural Aspects of International Criminal Law, Vol. 1. Ed. by Gabrielle Kirk Macdonal and Swaak-Goldsman.

Sanctions in Nigerian Customary Criminal Law — In Essays in honour of Judge Taslim Olawale Elias Ed. G. Bello and Bola Ajibola, Vol. II, pp. 541-564.

Status and Privileges in the Nigerian Legal Profession in Fundamentals of Nigerian Law, pp. 267-297. Edited by Ayo Ajomo.

Awarded Society's Gold Medal in 1997 for Contributions to the Development of the publications of the Society since 1988. International Society for the Reform of Criminal Law.

Chancellor of the Church of Nigeria, February 2000. (Anglican Communion).

17. Kárpáti, Hajnalka (Hungary)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Hungary to the United Nations presents its compliments to the secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to the Secretary-General's note of 13 September 2002, has the honour to communicate that the Republic of Hungary has decided to nominate Dr. Hajnalka Kárpáti as a candidate for election as a judge of the International Criminal Court.

Ms. Hajnalka Kárpáti, a Hungarian national, is a person of high moral character, impartiality and integrity, as shown in her career as judge presently practising under the most peculiar political and legal conditions in the United Nations-mandated Kosovo Province. She possesses all the qualifications required in Hungary for appointment to the highest judicial offices. Ms. Hajnalka Kárpáti has an excellent legal knowledge and, as it is required to fulfil her present duties, is fluent in English.

Taking into account that her qualifications are in line with the provisions outlined in subparagraph (i), paragraph 3 (b), of article 36, Ms. Kárpáti has been chosen and is hereby nominated for inclusion in list A according to paragraph 5 of article 36 of the Rome Statute.

...

The Permanent Mission of the Republic of Hungary wishes to emphasize that Ms. Hajnalka Kárpáti has been nominated by the Government of the Republic of Hungary in conformity with the procedure set forth by article 36, paragraph 4 (a) of the Rome Statute of the International Criminal Court. Her nomination has been supported by the Hungarian National Group of the Permanent Court of Arbitration as well.

...

Statement of qualifications

Dr. Hajnalka Kárpáti is the candidate supported by the Republic of Hungary for election to the International Criminal Court.

Ms. Hajnalka Kárpáti is a Hungarian national, presently a judge at the Prizren District Court, Criminal Division, working for the United Nations Interim Administration Mission in Kosovo and former criminal judge at the second and third District Court of Budapest. Judge Kárpáti is a person of high moral character, impartiality and integrity who possesses all the qualifications required in Hungary for appointment to the highest judicial offices. She fulfils the requirements of subparagraph (i) of paragraph 3 (b) of article 36, as detailed in her curriculum vitae.

Born in 1956 and educated in Budapest, she acquired varied work experience before her studies at the Law School of the Eötvös Loránd University in Budapest. The Doctoral Diploma was awarded to her in 1986. For several years, between 1993 and 2001, she acted as judge for criminal cases, dealing especially with crimes against property and offences against persons (presiding in cases of crimes against property and persons, non-fatal violence offences, assault and battery, sexual offences, theft and related offences, robbery, burglary, blackmail, deception, etc.).

While attending a law course in London in 1995/96 she followed several court sessions at Central Criminal Court, to gain some experience of the common law system.

On 18 July 2001, Ms. Hajnalka Kárpáti was elected as a judge for the United Nations Interim Administration Mission in Kosovo (UNMIK). As her field operations performance appraisal states, Ms. Kárpáti's professional knowledge and skills are excellent, as are her analytical skills, which essentially means that a diverse range of complex problems have been tackled and solved by her. She works with a high degree of professional dedication and has proved fully capable of organizing and prioritizing the workload.

As an international judge of the District Court of Prizren, Ms. Kárpáti has held the authority to select and take responsibility for new and pending investigations or proceedings within the jurisdiction of the court. Ms. Kárpáti has fully exercised this responsibility with high professional discretion. She has presided in war crimes cases, murder cases with an ethnic background and criminal cases related to organized crime. She has even been a reporting judge several times at the Supreme Court of Kosovo in Pristina.

As an international judge, Ms. Kárpáti has been working together with national judges, so that she has earned the respect of members of the national judiciary. She is entirely aware of the importance of the complexities of local culture and custom.

Ms. Kárpáti possesses established competence in international law in general and especially in international criminal law, international humanitarian law and the law of human rights, as evidenced by her professional activities, and moreover she is familiar with the judicial proceedings in the framework of the United Nations.

She has good written and oral expression in English, which is of extreme importance in the court settings and investigations where all proceedings are conducted through interpreters.

As an international judge she has fully understood the complexities of being an international judge, respecting the independence of the judiciary, while holding a post as a judicial affairs officer under contract with UNMIK. Ms. Kárpáti has carried out this work in an unsophisticated working environment, in a war-torn region of the Balkans, thus proving her ability to adapt to new requirements and to conditions of hardship and hazard.

The expertise of Hajnalka Kárpáti in national and international criminal law and procedure and her interest in international law and, above all, her experience in UNMIK have convinced the Government of the Republic of Hungary that she meets all the requirements of paragraph 3 of article 36 of the Rome Statute to be elected as a judge of the International Criminal Court.

Ms. Hajnalka Kárpáti is being nominated for inclusion in list A for the purposes of paragraph 5 of article 36 of the Rome Statute.

The information relating to subparagraph (i) to (iii) of paragraph 8 (a) of article 36 of the Rome Statute is as follows:

(i) Ms. Kárpáti is qualified and carries out practice in criminal law and international criminal law.

(ii) Ms. Kárpáti is a national of Hungary, which is a member of the Group of Eastern European States. She does not possess the nationality of any other State.

(iii) Ms. Kárpáti is female.

* * *

Date and place of birth: 4 October 1956, Budapest.

Academic background

1995-1996	Completed a law course and attended court sessions at the Central Criminal Court in London.
1992-1993	Qualifying Exam in Criminal, Civil and Administrative Law.
1981-1986	Faculty of Law at the Eötvös Loránd University in Budapest: doctoral degree.
1975-1978	College for Foreign Trade: Diploma.

Employment

2001-present	International criminal judge at Prizren District Court, United Nations Interim Administration Mission in Kosovo; occasionally reporting judge at Supreme Court of Kosovo in Pristina.
1993-2001	Criminal judge at the Court of second and third District Court, Budapest.
1991-1993	Chief of Section in the Ministry of International Economic Relations with responsibility over bilateral economic relations with Switzerland and the Netherlands.
1987-1991	Legal advising and studies in Bonn.
1978-1986	Sales manager at Konsumex Foreign Trade Company, Budapest.

Knowledge of languages

English: fluent (advanced State language exam, type C).

German: fluent (advanced State language exam, type C).

Spanish: fair.

18. Katuala Kaba Kashala, Joseph-Médard (Democratic Republic of the Congo)

[Original: French]

Note verbale

The Permanent Mission of the Democratic Republic of the Congo to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to acknowledge receipt of his note LA/COD/42 (c) of 13 September 2002 concerning the election of judges to the International Criminal Court.

In accordance with the decision taken by the Bureau of the Assembly of States Parties to the Rome Statute on 9 September 2002 to declare open the period for the submission of nominations for the election of the judges, prosecutor and deputy prosecutors, and pursuant to the relevant provisions of article 36 of the Rome Statute, the resolutions of the Assemblies of States Parties concerning the modalities for the election of judges to the International Criminal Court, and the resolution on the election of the judges, prosecutor and deputy prosecutors, particularly paragraph 11 thereof, the Permanent Mission is pleased to inform the Secretary-General that the Government of the Democratic Republic of the Congo has decided to nominate Mr. Katuala Kaba Kashala for the post of judge on the International Criminal Court in the election to be held during the second Assembly of States Parties to the Statute of the International Criminal Court, in January 2003.

The Democratic Republic of the Congo, which has consistently advocated the establishment of an international criminal court, which it considers to be the ideal instrument to deter and combat impunity for crimes of a very serious nature, is convinced that the choice of Attorney-General Katuala fully meets the requirements set out in paragraphs 3 and 8 of article 36 of the Statute and will enable the Court to benefit from the broad experience which it will so sorely need during the first few years of its operation for the reasons set out below.

Attorney-General of the Republic in the Supreme Court of Justice (highest judicial body of the Democratic Republic of the Congo), focal point of the Ministry of Justice in its relations with UNICEF/Congo, and sponsor of the code for the protection of children, the law on commercial courts and the framework law on health, Mr. Katuala is one of the few senior judges in the country who, in addition to the long experience gained from his 27-year career in the magistracy, has distinguished himself by the excellent quality of his publications in the field of criminal law and criminal procedure.

Attorney-General of the Republic, Mr. Katuala, is a member of the Commission for the Reform of Congolese Law and Director-General of the Research and Documentation Division of the Ministry of Justice. He is also the sponsor of the draft legislation on the implementation of the Rome Statute of the International Criminal Court in the Democratic Republic of the Congo.

...

In accordance with the requirements of article 36, paragraph 4, of the Rome Statute of the International Criminal Court, the Permanent Mission has the honour to explain to the Secretary-General that Mr. Katuala has been nominated as candidate for the post of judge of the International Criminal Court by the procedure for the nomination of candidates for appointment to the highest judicial offices in the Democratic Republic of the Congo.

Statement of qualifications

The Democratic Republic of the Congo would like to nominate the Attorney-General of the Republic, Mr. Katuala, as its candidate for the post of judge of the International Criminal Court.

In accordance with the provisions of article 36 (5) of the Rome Statute, the Democratic Republic of the Congo submits his candidacy under list A.

The Democratic Republic of the Congo certifies that Attorney-General of the Republic, Mr. Katuala, has demonstrable professional skills in the following areas:

Criminal law and criminal procedure

Sponsor of the draft legislation on implementation of the Rome Statute of the International Criminal Court in the Democratic Republic of the Congo, the Attorney-General of the Republic, Mr. Katuala, has had 27 years of experience:

1. In research, teaching and the prosecution both of the authors of infractions of criminal law in general and of persons subject to trial in the Supreme Court of Justice, in particular (dignitaries, ministers and senior State officials);
2. In the prosecution of the authors of infractions of the military penal code, where such infractions are committed with the participation of civilians;
3. As head of the criminal section of the Commission for the Reform of Congolese Law.

Promotion and protection of the rights of the child

He works in partnership with the United Nations Children's Fund (UNICEF), for which he is the focal point in the Ministry of Justice. In that capacity, he is the sponsor of various legal initiatives, including:

1. The draft code on the protection of children;
2. Regular monitoring of "amigos" and detention centres for minors;
3. Surveys throughout the Republic to stamp out Congolese customs that prevent child sorcerers from realizing their full potential;
4. Elaboration and drafting of the current laws on the demobilization of child soldiers;
5. With the support of UNICEF, providing training and organizing seminars and workshops on children's rights for the benefit of magistrates, officers of the judicial police and social workers;
6. Introduction of a mediation procedure for the settlement of disputes involving minors;
7. Organization of training seminars for pro bono defenders of women and children in conflict with the law;

8. Elaboration of draft laws concerning the age at which young women aged 14 to 18 years are allowed to marry.

Promotion and protection of the rights of women

1. Works in collaboration with the Ministry of Social Affairs for the reform of women's rights in the Democratic Republic of the Congo;
2. Organizes legal assistance for uneducated, widowed and divorced women;
3. Provides training for women about their rights;
4. Conducts research on the reform of the rights of women and on the survey of backward customs that are obstacles to their advancement.

* * *

Education

1974 **Bachelor's degree in law**

National University of Zaire, Kinshasa

Criminal law, criminal procedure, public international law, judicial law, civil law, commercial law, tax law, public finances, international institutions, criminology, international criminal law, international humanitarian law.

1970 **Baccalaureate in law**

State University of the Congo, Lubumbashi

General principles of law, introduction to the study of law.

Current posts

From 1996 **Attorney-General of the Republic in the Supreme Court of Justice, Kinshasa**

Performs, on behalf of the Government Procurator, the functions of the Office of the Attorney-General in the Supreme Court of Justice, with special responsibility for the prosecution of senior officials and members of the Government who benefit from "privilege of jurisdiction" in the Supreme Court.

Represents the Office of the Government Procurator in appeals proceedings and other special proceedings in the Supreme Court.

From 1992 **Permanent Commission on Legal Reform in the Congo, Kinshasa**

Heads the Criminal Law division of the Commission responsible for conducting studies and making recommendations on reforms to the national law and the judicial system with a view to removing any colonial vestiges and bringing them into line with international norms applicable to the Democratic Republic of the Congo.

From 1991 **Director of the Research and Documentation Division of the Ministry of Justice, Kinshasa**

Supervises this independent Division, which is responsible for carrying out studies of jurisprudence and legal doctrines on behalf of magistrates.

Coordinator of the project to update the codes and laws of the Democratic Republic of the Congo and to bring domestic laws into line with the provisions of international conventions ratified by the Democratic Republic of the Congo in the fields of human rights, international humanitarian law and other humanitarian fields.

Professional background

Since 1975 **Judge/prosecutor in courts and tribunals**

Served as prosecutor successively in lower courts and courts of appeal in several provinces of the Democratic Republic of the Congo (Lubumbashi, Bukavu, Goma and Kinshasa). In the legal system of the Congo, these functions involve both prosecution and investigations as well as the supervision of criminal investigations with the assistance of officers of the judicial police and prosecution of accused in the courts of law.

Career highlights

Represented the Democratic Republic of the Congo at numerous standard-setting conferences and other international and regional technical meetings, including:

- Expert on the Congolese delegation to the meetings held by the World Health Organization (WHO) on the International Framework Convention on Tobacco Control: India, January 2000 and Geneva, October 2000;
- Delegate of the Democratic Republic of the Congo to the seminar on nuclear law, organized by the International Atomic Energy Agency: Saclay, France, 2000;
- Delegate of the Democratic Republic of the Congo to the fourth, fifth, sixth, ninth and tenth sessions of the Preparatory Committee for the Establishment of an International Criminal Court and to the Assembly of States Parties;
- Congolese expert in the work of the Economic Community of the Great Lakes States (CEPGL), at Gisenyi, Rwanda, on the subject of judicial cooperation (1983-1986).

Juridical and community interests

Editor of the review *Justice, Science et Paix*, published at Kinshasa since 1992. The review publishes a chronicle of jurisprudence and analytic articles on law for magistrates, lawyers, professors of law and students;

Editor of the bulletin of decisions of the Supreme Court of Justice;

Coordinator of work on the elaboration of a code for the protection of children since January 2001;

Member of the Committee on Medical Ethics;

Focal point of UNICEF in the Ministry of Justice for the legal protection of women and children;

Member of the Technical Committee for Reform of the Health System (1998) and Rapporteur of the General Conference on Health in the Congo (1999);

Assistant Secretary-General of the Union of Zairian Writers (UEZA), 1973-1974.

Publications

Lectures, articles in various journals and reviews, lectures in universities of the Democratic Republic of the Congo, contributions to legal colloquiums and scientific seminars. Various publications, including:

Cour Suprême de Justice, historique et textes annotés de procédure (co-author), ed. Batena-Ntambua, Kinshasa, 2000.

Procédure civile (co-author), ed. Batena-Ntambua, Kinshasa 1999.

Le Code du travail zairois annoté, 1st (1995), 2nd (1998) and 3rd (2001) editions, Kinshasa.

Code civil annoté, ed. Batena-Ntambua, Kinshasa, 1996.

Code judiciaire zaïrois annoté, ed. Assyst, Kinshasa, 1995.

Code pénal zaïrois annoté, ed. Assyst, Kinshasa, 1995.

Libellé de la prévention (co-author), SDE, Kinshasa, 1993.

L'appel en droit congolais, ed. Batena-Ntambua, Kinshasa, 1998.

Awards

Medal of cultural and civic merit, June 2002.

Languages

English: Written and spoken (good).

French: Written and spoken (excellent).

Lingala: Written and spoken (excellent).

Swahili: Written and spoken (excellent).

Tshiluba: Written and spoken (excellent).

19. Kaul, Hans-Peter (Germany)

[Original: English]

Note verbale

I have the honour to inform you that Germany is nominating Ambassador Hans-Peter Kaul as a candidate for election as a judge of the International Criminal Court at the elections to be held during the meeting of States Parties in February 2003.

Ambassador Kaul is a candidate on list B for the purposes of article 36.5 of the Rome Statute.

...

The nomination of the candidate followed the procedure for nominations of candidates to the International Court of Justice in accordance with its Statute (article 36.4 (a) (ii) of the Rome Statute). On 29 October 2002, the German national group in the Permanent Court of Arbitration informed the German Government that it had, after careful deliberation, unanimously decided to nominate Ambassador Kaul as a candidate for election as a judge of the International Criminal Court. The German Government supports the nomination of Ambassador Kaul.

Statement of qualifications

(a) Ambassador Hans-Peter Kaul is a person of high moral character, impartiality and integrity who possesses the qualifications required in Germany for appointment to the highest judicial offices (article 36.3 (a)).

Ambassador Kaul fulfils the requirements of article 36.3 (b) (i) and (ii), as is specified in his curriculum vitae. He has established competence in relevant areas of international law, such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

Ambassador Kaul, being a native German speaker, has an excellent knowledge of and is fluent in English and French (article 36.3 (c)).

(b) Ambassador Kaul is being nominated for inclusion in list B for the purposes of paragraph 5 of article 36 of the Rome Statute.

(c) The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Rome Statute is as follows:

(i) Ambassador Kaul has been trained, qualified for the bar and continues to work in a professional legal capacity in Germany, which has a civil law legal system;

(ii) Ambassador Kaul is a national of Germany, which is a member of the Western European and Other Group of States;

(iii) Ambassador Kaul is male.

Ambassador Kaul has legal expertise on a wide range of specific issues relevant to the work of the Court, including, but not limited to, the following:

- Relevant areas of international law such as international humanitarian law and the law of human rights;
- His extensive experience as an international lawyer also includes the codification process of the Rome Statute as a whole, with special emphasis on Part 2 of the Statute on jurisdiction, admissibility and applicable law and on the elaboration of the definition of crimes within the jurisdiction of the Court and the Elements of Crimes pursuant to article 9 of the Statute;
- As an international lawyer he also has extensive practical experience relating to the functions, working methods and procedures of international courts, including international criminal courts.

(d) Ambassador Kaul is a national of Germany and does not possess the nationality of any other State.

* * *

Date of birth: 25 July 1943.

Languages: German, English, French, Norwegian.

Education and professional training

International Peace Academy, Vienna, 1983.

Second State Examination in Law (equivalent to admission to the bars), Heidelberg, 1975.

Max Planck Institute for Comparative International Law and Public International Law, Heidelberg, 1973-1975, Assistant to Professor Dr. Hermann Mosler.

Academy of International Law, The Hague, 1974.

Ecole Nationale d'Administration (ENA), Paris, 1972-1973.

Sydney Sussex College, Cambridge, United Kingdom, 1972 (summer course).

First State Examination in Law, Heidelberg, 1971 (equivalent to law degree (J.D.), Universities of Heidelberg and Lausanne).

Military Service in the German Army, 1963-1967, highest rank attained: Captain.

Professional background

Ambassador, Commissioner of the Federal Foreign Office for the International Criminal Court, 2002-present.

Director of the Office for Public International Law, Federal Foreign Office, Bonn/Berlin, 1996-2002. Responsible, inter alia, for the following cases before the International Court of Justice:

La Grand case (1999-2001)

Legality of Use of Force case (1999-)

Certain Property of Liechtenstein case (2001-).

First Counsellor, Permanent Mission of Germany to the United Nations, New York, 1993-1996 (during Germany's tenure on the Security Council as a non-permanent member in 1995-1996).

Deputy Director, Office of Near Eastern Affairs, Federal Foreign Office, Bonn, 1990-1993.

Political Counsellor, Embassy of Germany to the United States, Washington, 1986-1990.

Press Counsellor and Spokesman, Embassy of Germany to Israel, Tel Aviv, 1984-1986.

Office for United Nations Affairs (Security Council, General Assembly), Federal Foreign Office, Bonn, 1980-1984.

Consul and Press Attaché, Embassy of Germany to Norway, Oslo, 1977-1980.

United Nations Conference on Succession of States with Respect to Treaties, Vienna, 1977, Assistant to Dr. Carl-August Fleischhauer.

Professional experience

International Criminal Court

Commissioner for the International Criminal Court, deputy head of German delegation to the first meeting of Assembly of States Parties to the Rome Statute, New York, September 2002.

Head of German delegation to the Preparatory Commission for the International Criminal Court, 1999-2002.

Acting head/deputy head of German delegation to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 1998.

Head of German delegation to the Preparatory Committee on the Establishment of an International Criminal Court, 1996-1998.

German participant in the meeting of enlarged Bureau of the Preparatory Committee on the Establishment of an International Criminal Court in Zutphen, Netherlands, 17-31 January 1998 (elaborating the "Zutphen Draft" for the Statute of the International Criminal Court).

Chairman/Organizer of the intersessional working meetings concerning the definition of war crimes, Bonn, June and October 1997 ("Bonn Paper on War Crimes", United Nations document A/AC.249/1997/WG.1/CRP.8, dated 5 December 1997, as a basis for article 8 on war crimes in the Rome Statute).

Chairman of the Preparatory Conference of 14 Central and Eastern European States for the Rome Diplomatic Conference, Budapest, 13-15 May 1998.

Organizer/Co-chairman of regular dialogue and coordination meetings (currently 18) between like-minded States and the International NGO Coalition for the ICC, under Convenor William Pace, regularly held at each meeting of the Preparatory Committee, at the Rome Conference and at each meeting of the Preparatory Commission and the Assembly of States Parties.

Chairman of first consultation of the Council of Europe on the International Criminal Court in Strasbourg, 16 and 17 May 2000. Head of German delegation during the second consultation of the Council of Europe on the International Criminal Court, Strasbourg, 13 and 14 September 2001.

International humanitarian law

Member of the National Advisory Committee of the German Red Cross Society on international humanitarian law, 1996-present.

Member of the National Expert Commission on the *Völkerstrafgesetzbuch* (Code of Crimes against International Law), which between October 1999 and May 2001 elaborated the draft text of the *Völkerstrafgesetzbuch* (Code of Crimes against International Law), which has since been passed by the German Parliament and entered into force on 30 June 2002.

Membership in professional associations

German Society for International Law.

German Society for the United Nations.

German Society for Foreign Policy.

German Society for Military Law and International Humanitarian Law.

International Criminal Law Network.

Selected publications on the International Criminal Court, international criminal law and public international law

International Criminal Court

"Preconditions to the Exercise of Jurisdiction", in *The Rome Statute of the International Criminal Court: A Commentary*, edited by A. Cassese et al., pp. 583-618, Oxford University Press, 3 vols. 2002.

"The International Criminal Court", country report submitted by Germany to the XVIth Congress of the International Academy of Comparative Law, Brisbane, Australia, 14-20 July 2002, Section IV.A. Public International Law, in *Stocktaking in German Public Law — German Reports on Public Law*, edited by Eibe Riedel, Nomos-Verlag, 2002.

"Jurisdicción y cooperación en el Estatuto de la Corte Penal Internacional: Principios y Compromisos", in *La Nueva Justicia Penal Supranacional — Desarrollos post-Roma*, edited by Kai Ambos et al, pp. 297-342, Valencia, 2002 (co-author Claus Kress).

"Der Aufbau des Internationalen Strafgerichtshofs — Schwierigkeiten und Fortschritte", *Vereinte Nationen*, No. 6/2001, pp. 215-222.

"Der künftige Internationale Strafgerichtshof — Eine Hoffnung auf mehr Gerechtigkeit?", Lecture given in Munich on 23 November 2001 for the Bavarian Regional Group of the German Society for the United Nations (available upon request).

"Die Entwicklung des Völkerstrafrechts: Auf dem Weg zur Herrschaft des Rechts in den internationalen Beziehungen?", Lecture given in Berlin on 15 October 2001 on the occasion of the presentation of the book *International and National Prosecution of Crimes Under International Law — Current Developments, Humanitäres Völkerrecht*, No. 4/2001, pp. 251-254.

"The Continuing Struggle on the Jurisdiction of the International Criminal Court", in *International and National Prosecution of Crimes under International Law — Current Developments*, edited by Horst Fischer, Claus Kress and Sascha Lüder, 2001, pp. 21-46.

"The Crime of Aggression — Definitional Options for the Way Forward", contribution to the symposium of the University of Trento on the crime of aggression, Trento, Italy, 30 May-1 June 2001 (conference publication forthcoming in 2002).

"A Corte Internacional Criminal: A Luta pela sua Instalação e seus Esopos", in *Tribunal Penal Internacional*, edited by Fauzi Hassan Choukr and Kai Ambos, Editora Revista dos Tribunais Ltda., Sao Paulo, 2000, pp. 109-124.

"Globalisierung and NGO's — am Beispiel der internationalen NGO-Koalition für den Internationalen Strafgerichtshof", Lecture given at the symposium on "Globalization and NGOs: Objectives, activities and role of non-governmental organizations", held by the German Society for Foreign Policy on 18 January 2001, in *Konferenzpublikation der DGAP*, 2001.

"Some Thoughts on the Jurisdiction System of the International Criminal Court", in Conference Report of "No Peace without Justice" on the European Intergovernmental Conference, Rome, 17-18 July 2000, on the 2nd anniversary of the Rome Statute, in *European Conference on the Rome Statute of the International Criminal Court*, 2001, pp. 142-148.

"Jurisdiction and Cooperation in the Statute of the International Criminal Court — Principles and Compromises", in *Yearbook of International Humanitarian Law*, vol. 2 (1999), pp. 143-175 (co-author Claus Kress).

"The International Criminal Court: Jurisdiction, Trigger Mechanism and Relationship to National Jurisdiction", in *The Rome Statute of the International Criminal Court — A Challenge to Impunity*, edited by Mauro Politi and Giuseppe Nesi, publication of the University of Trento on the international conference held in Trento, 13-15 May 1999 (2001).

"The Crime of Aggression — Towards Its Effective Inclusion in the Subject-Matter Jurisdiction of the International Criminal Court", in *Conference Publication of the Greek Foreign Ministry on the International Colloquy on the ICC*, held in Santorini, 14-16 September 2000 (forthcoming 2002).

"Special Note: The Struggle for the International Criminal Court's Jurisdiction", *European Journal of Crime, Criminal Law and Criminal Justice*, vol. 6 (1999), No. 4, pp. 364-376. (This text has also been published in Spanish; see following entry.)

"La Corte Penal Internacional: la lucha por su competencia y su alcance", in *El Estatuto de Roma de la Corte Penal Internacional*, edited by Kai Ambos and Oscar Julián Guerrero, Universidad Externado de Colombia, Bogotá, October 1999.

"Breakthrough in Rome — The Statute of the International Criminal Court", in *Law and State*, vol. 59/60 (1999), edited by the Institut für wissenschaftliche Kooperation, Tübingen, pp. 114-130.

"Völkerrechtlicher Vertrag und staatliches Recht — am Beispiel des Statuts über den Internationalen Strafgerichtshof" — Lecture given to the symposium on "Treaties under public international law and municipal law against the background of international relations becoming ever closer", held by the University of Leipzig from 28 to 30 January 1999, *Leipziger Schriften zum Völkerrecht, Europarecht und ausländischen öffentlichen Recht*, vol. 1 (2000), pp. 53-67.

"Das Römische Statut des Internationalen Strafgerichtshofs: Auf dem Weg zu einer humaneren Weltordnung unter dem Schutz des Rechts?", Lecture given on 26 November 1998 as part of the Walther Schücking Lectures, Walther-Schücking-Institut für internationales Recht an der Universität Kiel, Schriftenreihe des Walther-Schücking-Kollegs Nr. 22, Europa-Union-Verlag, Bonn, 1999.

"Der Vertrag über den Internationalen Strafgerichtshof und seine Bedeutung für das humanitäre Völkerrecht" — Lecture given on the occasion at the 42nd conference of the legal advisers and the commissioners for the conventions of the German Red Cross on 11 September 1998 (available upon request).

"Internationaler Strafgerichtshof — Ein bedeutender Anfang in Rom", in *Menschenrechtsschutz in der Praxis der Vereinten Nationen*, edited by Gerhart Baum, Eibe Riedel and Michael Schäfer, 1998, pp. 273-278.

"Der Internationale Strafgerichtshof: Das Ringen um seine Zuständigkeit und Reichweite", *Humanitäres Völkerrecht*, 1998, No. 3, pp. 138-144 (This contribution is also included in *Völkerrechtliche Verbrechen vor dem Jugoslawien-Tribunal, nationalen Gerichten und dem Internationalen Strafgerichtshof — Beiträge zur Entwicklung einer effektiven internationalen Strafgerichtsbarkeit*, Bochumer Schriften zur Friedenssicherung und zum Humanitären Völkerrecht, edited by Horst Fischer and Sascha Rolf Lüder, vol. 35 (1999), pp. 177-191.

"Towards a Permanent Criminal Court — Some Observations of a Negotiator", *Human Rights Law Journal*, 1997, No. 5-8 (28 November 1997), pp. 169-174.

"Durchbruch in Rom — Der Vertrag über den Internationalen Strafgerichtshof", *Vereinte Nationen*, 1998, No. 4, pp. 125-130.

"Auf dem weg zum Weltstrafgerichtshof — Verhandlungsstand und Perspektiven", *Vereinte Nationen*, 1997, No. 5, pp. 177-181.

"Establishment of a Permanent International Criminal Court", a report on the state of negotiations presented at a hearing conducted by Alliance 90/Greens in Bonn on 30 June 1997 (available upon request).

"Das Vorhaben der Errichtung eines Ständigen Internationalen Strafgerichtshofs — Verhandlungsstand und Perspektiven", lecture given on 30 June 1997 at an Alliance 90/Greens function (available upon request).

Other fields of public international law

"Article 27 of the Charter of the United Nations", contribution *The Charter of the United Nations — A Commentary*, edited by Bruno Simma (2nd ed.), 2002 (co-author of contribution: Bruno Simma).

"Fink, Udo: Kollektive Friedenssicherung. Kapitel VII — UN Charta in der Praxis des Sicherheitsrats der Vereinten Nationen", book review, *Vereinte Nationen*, 1999, No. 3, pp. 114, 115.

"Arbeitsweise und informelle Verfahren des Sicherheitsrats der Vereinten Nationen — Beobachtungen eines Unterhändlers", *Vereinte Nationen*, 1998, No. 1, pp. 6-13.

"Die Sanktionsausschüsse des Sicherheitsrats — Ein Einblick in Arbeitsweise und Verfahren", *Vereinte Nationen*, 1996, No. 3, pp. 96-103.

"37. Generalversammlung: Fortgang der Flüchtlingsinitiative der Bundesrepublik Deutschland", *Vereinte Nationen*, 1983, No. 3, pp. 91-92.

"UN-Friedenstruppen: Versuch einer Bilanz — Ein Diskussionsbeitrag aus deutscher Sicht in 33 Thesen", *Vereinte Nationen*, 1983, No. 1, pp. 1-7.

"Das Staatshaftungsrecht der Schweiz", country report, Comparative Publication of the Max Planck Institute for Comparative Public Law and Public International Law, 1976.

"Das Arzneimittelrecht der Schweiz", country report, Comparative Publication of the Max Planck Institute for Comparative Public Law and Public International Law, 1975.

Selected outreach activities

More than 40 speeches, lectures and interviews (print media, radio and television) on the International Criminal Court, international humanitarian law and international criminal law in Germany, Western and Eastern Europe, the United States of America and Japan.

20. Kirsch, Philippe (Canada)

[Original: English/French]

Note verbale

The Permanent Mission of Canada to the United Nations presents its compliments to the Legal Counsel of the United Nations and refers to the note titled "Election of the judges of the International Criminal Court" dated 13 September 2002 and has the honour to inform the Legal Counsel that Canada has decided to present the candidature of Ambassador Philippe Kirsch, Q.C. for the post of judge of the International Criminal Court.

The curriculum vitae of Ambassador Kirsch presents the qualifications of Ambassador Kirsch for the post of judge of the International Criminal Court.

Ambassador Kirsch has clearly established competence in areas of international law relevant to the International Criminal Court, such as international humanitarian law and international criminal law, and over 20 years of experience in a professional legal capacity of relevance to the work of the Court. It is for this reason that his candidacy is presented under list B pursuant to paragraph 5, article 36, of the Rome Statute of the International Criminal Court.

Ambassador Kirsch is a recognized expert on the International Criminal Court. He served as the Chair of the International Criminal Court Preparatory Commission from 1999 to 2002 and as Chair of the Committee of the Whole at the 1998 Rome Diplomatic Conference on the International Criminal Court. As such, he has an intimate knowledge of the International Criminal Court, including the Court's detailed instruments and mechanisms. He has written many chapters and articles on the Court, and has given many speeches and interviews on this subject, both nationally and internationally.

Ambassador Kirsch has demonstrated expertise in international humanitarian law. He presently is a member of the Group of International Advisers to the International Committee of the Red Cross. In the past, he served as Chair of the Canadian National Committee on Humanitarian Law (1998-1999); Vice-President and Chair of the Drafting Committee of the Twenty-seventh International Conference of the Red Cross and the Red Crescent (1999); head of the Canadian delegation to the First Periodical Meeting of the States Parties to the Geneva Conventions (1998); Chair of the Drafting Committee of the Twenty-sixth International Conference of the Red Cross and the Red Crescent (1995); and Chair of the Drafting Committee of the International Conference on the Protection of War Victims (1993) and the preparatory and subsequent Intergovernmental Working Groups of Experts on the Protection of War Victims (1993, 1995).

Ambassador Kirsch has additional extensive experience in international criminal law, having chaired the United Nations Ad Hoc Committee and the General Assembly's Sixth (Legal) Committee Working Group for the suppression of acts of terrorism (1997-1999), which developed and adopted the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism and prepared the text of a draft international convention for the suppression of nuclear terrorism. He also served as Chair of the United Nations Ad Hoc Committee and the General Assembly's Sixth

(Legal) Committee Working Group which developed and adopted the Convention on the Safety of United Nations and Associated Personnel (1993-1994). He also chaired the negotiations on the 1988 Protocol for the Suppression of Violence at Airports and the 1987 International Conference on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. He was head of the Canadian delegation to the 1979 United Nations Ad Hoc Committee on the drafting of a convention against the taking of hostages. All of these exercises involved in-depth study of the relevant criminal laws and procedures, including mechanisms for cooperation between States and extradition.

Ambassador Kirsch has a broad background in public international law more generally, having served as the Legal Adviser to Canada's Department of Foreign Affairs and International Trade from 1994 to 1999; Deputy Legal Adviser and Director General of the Legal Affairs Bureau from 1992 to 1994; and Director of the Legal Operations Division from 1983 to 1988. He was Ambassador and Deputy Permanent Representative at the Permanent Mission of Canada to the United Nations in New York from 1988 to 1992 and during this time served as Canada's deputy representative on the United Nations Security Council. He also served as Chair of the General Assembly's Sixth (Legal) Committee in 1982 and Vice-Chair in 1980. On many occasions he has represented Canada at that Committee, most recently from 1998 to 2001, while reporting on the work of the Preparatory Commission for the International Criminal Court and the terrorism conventions.

Ambassador Kirsch is Agent for Canada in the *Legality of Use of Force* case before the International Court of Justice. He also appeared before that Court as Agent for Canada in the *Fisheries Jurisdiction Case*. In both cases, he addressed the issue of jurisdiction, an issue which is likely to arise in the early years of the International Criminal Court.

Ambassador Kirsch's impartiality, integrity and high moral character are clear from his career, especially through his role as chair of many international bodies.

Ambassador Kirsch is fluent in both English and French and has extensive experience in technical and legal drafting in both languages. Ambassador Kirsch is also fluent in Spanish. Ambassador Kirsch is a member of the Bar of Quebec, and as such has knowledge of the common law and civil law systems.

The election for the first set of judges will be crucial to the early success of the International Criminal Court. It is for this reason that Canada is putting forward Ambassador Kirsch as its candidate, as we believe that he has the extensive experience, background and practical knowledge necessary to ensure that the Court has the confidence of the international community from the very beginning of its operation.

...

Canada wishes to confirm that Ambassador Kirsch was nominated according to the procedure provided for in article 36 (4) (a) (ii) of the Rome Statute of the International Criminal Court, having been nominated by the Canadian National Group of the Permanent Court of Arbitration and selected by the Minister for Foreign Affairs.

Statement of qualifications

Date of birth: 1 April 1947.

Languages: French, English, Spanish.

Education and professional training

International Peace Academy, Vienna, 1989.

Academy of International Law, The Hague, 1979.

LL.M., University of Montreal, 1972.

Called and Admitted to Quebec Bar, 1970.

LL.L., University of Montreal, 1969.

Bachelor's degree, Stanislas College, Montreal, 1966.

Professional background

Ambassador of Canada to the Kingdom of Sweden, 1999-present.

Ambassador and Agent for Canada in the *Legality of Use of Force Case* before the International Court of Justice, 1999-present.

Legal Adviser, Department of Foreign Affairs and International Trade, Ottawa, 1994-1999.

Ambassador and Agent for Canada in the *Fisheries Jurisdiction Case* before the International Court of Justice, 1995-1998.

Assistant Deputy Minister for Legal and Consular Affairs, Department of Foreign Affairs and International Trade, Ottawa, 1994-1996.

Deputy Legal Adviser and Director General, Bureau of Legal Affairs, Department of Foreign Affairs and International Trade, Ottawa, 1992-1994.

Ambassador and Deputy Permanent Representative of Canada to the United Nations, New York, 1988-1992.

Director, Legal Operations Division, Department of External Affairs, Ottawa, 1983-1988.

Ambassador and Agent for Canada in the Dispute concerning Filleting within the Gulf of St. Lawrence ("La Bretagne" arbitration), 1985-1986.

Earlier assignments with the Bureau of Legal Affairs and United States Division of the Department of Foreign Affairs and International Trade (Ottawa), Canadian Embassy to Peru (with accreditation to Bolivia) and Canadian Mission to the United Nations in New York.

Related professional experience

International Criminal Court

Chairman of the Preparatory Commission for the International Criminal Court, 1999-2002.

Chairman of the Committee of the Whole of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, 1998.

International humanitarian law

Member of the Group of International Advisers to the International Committee of the Red Cross, 2000-present.

Vice-President, and Chairman of the Drafting Committee, of the Twenty-seventh International Conference of the Red Cross and the Red Crescent, 1999.

Chairman of the Canadian National Committee on Humanitarian Law, 1998-1999.

Head of the Canadian delegation at the First Periodical Meeting of the States Parties to the Geneva Conventions, 1998.

Chairman of the Drafting Committee at the Twenty-sixth International Conference of the Red Cross and the Red Crescent, 1995.

Chairman of the Drafting Committee of the International Conference on the Protection of War Victims, 1993; Chairman of the preparatory and subsequent intergovernmental working groups of government experts on the protection of war victims, 1993, 1995.

International criminal law

Chairman of the United Nations Ad Hoc Committee and the General Assembly's Sixth (Legal) Committee Working Group for the suppression of acts of terrorism, which developed and adopted the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism, and prepared the text of a draft convention for the suppression of nuclear terrorism, 1997-1999.

Chairman of the United Nations Ad Hoc Committee and the General Assembly's Sixth (Legal) Committee Working Group which developed and adopted the Convention on the Safety of United Nations and Associated Personnel, 1993-1994.

President of the International Conference on Air Law on the drafting of a Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; chief delegate of Canada to the twenty-sixth session of the Legal Committee of the International Civil Aviation Organization and Chairman of the Committee's Working Group, 1987-1988.

Chairman of the Committee of the Whole of the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Chairman of the Preparatory Committee of the International Maritime Organization, 1987-1988.

Vice-Chairman of the Ad Hoc Committee on the drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 1981.

Head of the Canadian delegation to the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages, 1979.

Other experience

Member of the Permanent Court of Arbitration, 1995-1999.

Canadian representative to the Ad Hoc Committee of Legal Advisers on Public International Law of the Council of Europe, 1993-1994; representative of Canada to the Committee of Experts on Public International Law, Council of Europe, 1983-1985.

Head of the Canadian delegation before the Panel convened pursuant to chapter 18 of the Canada-United States Free Trade Agreement in the Matter of Puerto Rico Regulations on the Import, Distribution and Sale of U.H.T. Milk from Quebec, 1993.

Representative of Canada to the United Nations General Assembly's Sixth (Legal) Committee, 1988-1991, 1987, 1986, 1984; alternate representative, 1977-1980.

Chairman of the Sixth Committee and member of the General Committee of the United Nations General Assembly, 1982-1983; Vice-Chairman, 1980; Chairman-Rapporteur of the Sixth Committee's Working Group on Peaceful Settlement of Disputes, 1980.

Representative of Canada to the United Nations General Assembly, its Special Political Committee and Fourth Committee (Decolonization), 1988-1991.

Vice-Chairman of the United Nations Special Committee on Peacekeeping Operations; Chairman of its Working Group, 1989-1992; Vice-Chairman of the Special Committee on Peacekeeping Operations, 1980-1981.

Deputy representative of Canada on the Security Council, 1989-1990; Vice-Chairman of its Committee on sanctions against Iraq, 1990; Chairman of the Subcommittee on States confronted with economic problems as a result of sanctions, 1990.

Head of the Canadian delegation to the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea; Vice-Chairman of Special Commission 2 (Enterprise), 1984-1988; Adviser to the Canadian delegation to the Third United Nations Conference on the Law of the Sea, Caracas, 1974.

Chairman of the Working Group of Experts on the Protection of the Marine Environment against Marine Pollution from Land-based Sources, United Nations Environment Programme, 1983-1985.

Alternate chief delegate of Canada to the twenty-fifth session (extraordinary) of the Assembly of the International Civil Aviation Organization, 1984.

Alternate representative of Canada to the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts, 1983.

Chairman of the Committee on Application for Review of United Nations Administrative Tribunal Judgements, 1981, 1983.

Representative of Canada to the Intergovernmental Working Group on a Code of Conduct, Commission on Transnational Corporations, 1982.

Canadian observer to the Working Group on the New International Economic Order, United Nations Commission on International Trade Law, 1981.

Delegate to the Committee on the Peaceful Uses of Outer Space and to its Legal and Scientific and Technical subcommittees, 1979-1981.

Alternate representative of Canada to the Ad Hoc Committee on International Terrorism, 1979.

Vice-Chairman of the United Nations Committee on Relations with the Host Country, 1977-1981.

Professional associations

Bar of the Province of Quebec.

Canadian Council on International Law.

Honours

Queen's Counsel (Q.C.), 1988.

The Robert S. Litvack Human Rights Memorial Award, 1999.

Minister of Foreign Affairs' Award for Foreign Policy Excellence, 1999.

The William J. Butler Human Rights Medal Award, 2001.

Selected publications

"International Tribunals and Courts", in *The Security Council in the Post-Cold War Era*, edited by David Malone, Lynne Rienner Publisher (forthcoming 2003).

"La Cour pénale internationale face à la souveraineté des États" in *Crimes internationaux et juridictions internationales*, A. Cassese et M. Delmas-Marty (dir.), P.U.F. (forthcoming).

An introduction to *Elements of War Crimes under the Rome Statute of the International Criminal Court — Sources and Commentary*, edited by Knut Dörmann, Cambridge University Press (forthcoming).

"Reaching Agreement at the Rome Conference", "Referral by State Parties" and "Initiation of Proceedings by the Prosecutor" (with Darryl Robinson); "The Post-Rome Conference Preparatory Commission" (with Valerie Oosterveld), and "The Contribution of the Rome Statute to International Criminal Law" (with the Board of Editors), in *The Rome Statute of the International Criminal Court — A Commentary*, edited by Antonio Cassese, Paola Gaeta and John R.W.D. Jones, Oxford University Press, 2002.

"The Preparatory Commission for the International Criminal Court", *Fordham International Law Journal*, vol. 25, No. 3, March 2002.

"Terrorisme, Crimes contre l'humanité et la Cour pénale internationale", in *Livre Noir*, edited by S.O.S. Attentats, February 2002.

An introduction to *Reflections on the International Criminal Court — Essays in Honour of Adriaan Bos*, edited by Herman A.M. von Hebel, Johan G. Lammers and Jolien Schukking, Kluwer Academic Publishers, 2001.

"The International Criminal Court: Current Issues and Perspectives", and *Law and Contemporary Problems, School of Law, Duke University*, vol. 64, No 1, winter 2001.

"The Work of the Preparatory Commission", in *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence*, edited by Roy S. Lee, Transnational Publishers, 2001.

"Negotiating an Institution for the Twenty-First Century: Multilateral Diplomacy and the International Criminal Court" (with Valerie Oosterveld), *McGill Law Journal*, vol. 46, No. 4, August 2001.

"The International Criminal Court", *McGill Law Journal*, vol. 46, No. 1, November 2000.

"The Preparatory Commission Today", in *Establishment of the International Criminal Court*, UM Publications of the Ministry of Foreign Affairs (Finland), February 2000.

"The International Criminal Court: Consensus and Debate on the International Adjudication of Genocide, Crimes Against Humanity, War Crimes, and Aggression", *Cornell International Law Journal*, vol. 32, No. 3, 1999.

An introduction to *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, edited by Otto Triffterer, Nomos Verlagsgesellschaft, Baden-Baden, 1999.

"The Rome Conference on an International Criminal Court: The Negotiating Process" (with John T. Holmes), *The American Journal of International Law*, vol. 93, No. 1, 1999.

"The Development of the Rome Statute", in *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations, Results*, edited by Roy S. Lee, Kluwer Law International, July 1999.

"The Birth of the International Criminal Court: The 1998 Rome Conference" (with John T. Holmes), *The Canadian Yearbook of International Law*, vol. XXXVI, 1998.

"The Convention on the Safety of United Nations and Associated Personnel", *Conference "Les casques bleus: policiers ou combattants?/Blue Helmets: policemen or combatants?"*, Faculty of Law (Civil Law), University of Ottawa, 1995; Collection Bleue, Wilson & Lafleur ltée, Montreal, 1997.

"Legal Aspects of Peacekeeping", *Canadian Defence Quarterly*, vol. 23, No. 1, Special No. 2, September 1993.

"International Law and Arms Control in Outer Space: New Approaches for a New Era", in *Outer Space in the 1990's: The Role of Arms Control — Security, Technical and Legal Implications. Proceedings of the Symposium at McGill University*, Montreal, November 1992, McGill Institute of Air and Space Law Association Newsletter, winter 1992-1993.

"Weaponry and Institutions", chapter 9 in Glen Plant, *Environmental Protection and the Law of War: a "fifth Geneva Convention" on the Protection of the Environment in Time of Armed Conflict*, Belhaven Press, London and New York, 1992.

"The Expanding Peacemaking Role of the United Nations", *Proceedings of the 86th Annual Meeting of the American Society of International Law*, Washington, D.C., 1992; *Moscow Journal of International Law*, No. 3, 1992.

"L'impact des événements actuels sur le droit de la paix et de la sécurité internationales", *Revue québécoise de droit international*, vol. 7, No. 2, 1991-1992.

"The Changing Role of the Security Council", *Occasional Papers Series*, No. II, The Ralph Bunche Institute on the United Nations, The City University of New York, New York, 1990.

"The 1988 ICAO and IMO Conferences: an International Consensus against Terrorism", *Dalhousie Law Journal*, vol. 12, No. 1, April 1989.

"The Law of the Sea Preparatory Commission after Six Years" (with Douglas Fraser), *Canadian Yearbook of International Law*, vol. XXVI, 1988.

"Law-Making through International Institutions" (with Professor D.M. McRae), in *International Law: Critical Choices for Canada 1985-2000*, Queen's Law Journal, 1986.

Selected outreach

More than 50 speeches, lectures and interviews (television, radio and written media) on the International Criminal Court, international humanitarian law and international criminal law, in Canada, the United States, Western and Eastern Europe, Latin America and the Caribbean, and Africa.

21. Kourula, Erkki (Finland)

[Original: English/French]

Note verbale

The Permanent Mission of Finland to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour, with reference to the Secretary-General's note dated 13 September 2002, to communicate to the Legal Counsel of the United Nations the nomination of Erkki Kourula as a candidate for election as a judge of the International Criminal Court.

Ambassador Kourula was nominated by the national group of Finland in the Permanent Court of Arbitration.

...

The candidature of Dr. Kourula enjoys the support of all the five Nordic countries.

Statement of qualifications

Article 36, paragraph 3, subparagraphs (a), (b) and (c)

Dr. Kourula is a person of high moral character, impartiality and integrity whose education and qualifications (L.Lic. from the University of Helsinki, Ph.D. in international law from the University of Oxford, term as a district judge) as well as his extensive experience in a legal profession would qualify him for appointment to the highest judicial offices in Finland (article 36, para. 3 (a)).

> In accordance with section 11, subsection 1, of the Finnish Act on Judicial Appointments (Act No. 205/2000), members of the Supreme Court and the Supreme Administrative Court must be eminent legal experts fulfilling the following requirements. The candidate must be a righteous Finnish citizen who has earned a Master's degree in law at a Finnish university and who by his or her previous activities in courts of law or other functions has demonstrated the professional competence and the personal characteristics necessary for successful performance of the duties inherent in the position of a judge. Candidates may obtain the necessary qualifications in legal professions other than those constituting part of the judiciary. Such professions include positions of practising lawyers, prosecutors, research fellows and university lecturers, as well as of legal officers responsible for law-drafting. In addition, international duties and certain administrative and law enforcement duties may provide the necessary qualifications.
>
> It may be added that, as Director General for Legal Affairs at the Ministry for Foreign Affairs, Dr. Kourula holds a public office for which section 125 of the Finnish Constitution requires skill, ability and irreproachable conduct.

Dr. Kourula has established competence in relevant areas of international law, including international humanitarian law and the law of human rights, and the necessary relevant experience in a professional legal capacity which is of relevance to the judicial work of the Court, as required by the Statute (article 36, para. 3 (b)).

Dr. Kourula is a prominent international lawyer with outstanding experience and profound knowledge of international law. He has served the Finnish Ministry for Foreign Affairs since 1985. He has been actively engaged in issues of public international law, including international humanitarian law and the law of human rights, throughout his career in the Ministry for Foreign Affairs. Before his present post as Ambassador and Director General for Legal Affairs, he served as Permanent Representative of Finland to the Council of Europe, Strasbourg (1998-2002), Deputy Director General for Legal Affairs (1995-1998), Minister Counsellor and Legal Adviser to the Permanent Mission of Finland to the United Nations, New York (1991-1995), Director of the International Law Division of the Ministry for Foreign Affairs (1989-1991) and Counsellor and Legal Adviser to the Ministry for Foreign Affairs (1986-1989).

As Legal Adviser to the Permanent Mission of Finland to the United Nations from 1991 to 1995, Dr. Kourula followed closely the developments that led to the establishment of the International Tribunals for the former Yugoslavia, in 1993, and for Rwanda, in 1994. He was later the head of a Finnish evaluation mission on the performance of the International Tribunal for Rwanda (Arusha, 1998) and a member of a ministerial delegation to the International Tribunal for the Former Yugoslavia (The Hague, 1997). During his time in New York, he also intensively participated in the process of Security Council reform at the United Nations, in the capacity of the personal assistant to Ambassador Breitenstein, who chaired the working group. Dr. Kourula was actively involved in the negotiations on the Rome Statute from 1995 to 1998 as head of the Finnish delegation to the Preparatory Committee and to the United Nations Diplomatic Conference in Rome. He has also held several international positions of trust related to the negotiations on the International Criminal Court (member of the enlarged bureau and coordinator for jurisdictional issues, participant and chair of a working group in informal consultations for the establishment of the Court in Syracuse in 1995 and 1996 as well as in Zutphen in 1998).

As Permanent Representative to the Council of Europe, Ambassador Kourula gained profound knowledge and experience of the activities of the organization in the fields of the protection of human rights and the rule of law, including the work of the European Court of Human Rights. He was appointed the Chair of the Rapporteur Groups on Human Rights and National Minorities of the Council of Europe in 2000 and served in that function until 2002. He was the Rapporteur on the relations of the Council of Europe with the United Nations from 1999 to 2002.

As Director General for Legal Affairs, Dr. Kourula has the principal responsibility for advising the Government on any issues of international law, including international humanitarian law and the law of human rights. He is the agent of the Government of Finland both in cases brought against Finland before the European Court of Human Rights and in cases before the European Court of Justice. His responsibilities also include the chairmanship of the Finnish National Committee on International Humanitarian Law.

Dr. Kourula has participated in numerous international conferences, symposia and seminars on international law, especially on the law of international organizations and human rights as well as humanitarian and criminal law. Before joining the Ministry for Affairs in 1985, Dr. Kourula pursued an academic career in international law and wrote his doctoral thesis on the identification and characteristics of regional arrangements for the purpose of the Charter of the United Nations. He has contributed to publications and articles on the activities of the United Nations and its bodies, in particular pertaining to the maintenance of international peace and security, collective security systems, peacekeeping and civil crisis management, as well as certain key issues relating to the implementation of the Rome Statute of the International Criminal Court.

Dr. Kourala fulfils the language requirements in respect of both working languages of the Court, English and French. Of the other official languages of the Court, he is able to use Russian and understand Spanish (article 36, para. 3 (c)).

Article 36, paragraph 5

Dr. Kourula is being nominated for inclusion on list B for the purposes of article 36, paragraph 5, of the Rome Statute.

Article 36, paragraph 8, subparagraphs (a) (i) to (iii)

(i) Dr. Kourula is qualified for appointment to the highest judicial offices in Finland, which has a statutory law (civil law) system largely influenced by the Nordic and Central European legal traditions.

(ii) Dr. Kourula is a national of Finland, which is a member of the Group of Western European and other States.

(iii) Gender: male.

* * *

Ambassador, Director General for Legal Affairs, Ministry for Foreign Affairs.

Date of birth: 12 June 1948.

Languages: Finnish, English, French, Russian, Swedish and German, as well as comprehension of Spanish.

Education and qualifications

Doctor of Philosophy in International Law (Oxford).

LL.Lic. (Helsinki)

LL.M. (Helsinki).

Varatuomari (judge, qualified for appointment to highest judicial offices).

Professional experience

Director General for Legal Affairs, Ministry for Foreign Affairs (2002-)

Ambassador, Permanent Representative of Finland to the Council of Europe, Strasbourg (1998-2002).

Ambassador, Deputy Director General for Legal Affairs, Ministry for Foreign Affairs (1995-1998).

Minister Cousellor and Legal Advisor, Permanent Mission of Finland to the United Nations, New York (1991-1995).

Director, International Law Division, Ministry for Foreign Affairs (1989-1991).

Counsellor and Legal Adviser, Ministry for Foreign Affairs (1986-1989).

Various research posts in the fields of international, constitutional and administrative law (University of Helsinki, University of Oxford, Academy of Finland and United Nations, Geneva, 1972-1982, 1984-1985).

Professor of International Law, University of Lapland, Rovaniemi (1982-1983).

District Judge (1979).

Other legal functions

Agent of the Government of Finland before the European Court of Human Rights (Strasbourg).

Agent of the Government of Finland before the European Court of Justice (Luxembourg).

Committees, conferences and missions

Head of the Finnish delegation to the Preparatory Committee and to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (member of the enlarged bureau and coordinator for jurisdictional issues), 1994-1998.

Participant and chair of a working group in informal consultations for the establishment of the International Criminal Court (Syracuse, 1995 and 1996, as well as Zutphen, 1998).

Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1994.

Special Adviser to the Chairman of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, 1993-1995.

Member of the Finnish delegation to the United Nations General Assembly (Sixth Committee) 1986-1990 and 1995-1997.

Council of Europe:

- Rapporteur on Relations of the Council of Europe to the United Nations (1999-2002)

- Chair of the Rapporteur Groups on Human Rights and National Minorities (2000-2002)

Head of a Finnish evaluation mission on the performance of the International Tribunal for Rwanda (Arusha, 1998) and member of a ministerial delegation to the International Tribunal for the Former Yugoslavia (The Hague, 1997).

Numerous participations in international conferences, symposia and seminars on international law, especially on the law of international organizations and human rights as well as humanitarian and criminal law, including at the Hague Academy of International Law, 1972, 1975 and 1977.

Publications

The Identification and Characteristics of Regional Arrangements for the Purpose of the United Nations Charter (Doctoral thesis, University of Oxford).

Contributions to publications and articles on activities of the United Nations and its bodies, in particular pertaining to the maintenance of international peace and security, collective security systems, peacekeeping, civil crisis management and on key issues for the implementation of the Statute of the International Criminal Court.

Numerous lectures on various topics of international law in universities and institutions in a number of European countries, the United States of America and the United Nations.

* * *

Helsinki, 31 October 2002

Sir,

With reference to the Secretary-General's note, dated 13 September 2002, concerning the nomination of candidates for election as a judge of the International Criminal Court, the national group of Finland in the Permanent Court of Arbitration has the honour to inform you that the group, at its meeting on 23 May 2002, nominated Erkki Kourula as a candidate for election as a judge of the International criminal Court. The nomination was made with due regard to article 36 of the Rome Statute of the International Criminal Court as well as to the procedure provided for nomination of candidates for the International Court of Justice in the Statute of that Court.

Attached to this letter you will find the statement submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and paragraph 7 of the resolution of the Assembly of States Parties relating to the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court, as well as Dr. Kourula's curriculum vitae.

The group recognizes the great significance that the first panel of judges of the International Criminal Court will have for the credibility of the Court in the early phase of its operation. We are convinced that Dr. Kourula fully meets the requirements and high expectations set for the judges of the International Criminal Court and that his outstanding expertise would be a significant contribution to the fulfilment of the Court's important duties.

The national group of Finland in the Permanent Court of Arbitration:

(*Signed*) Bengt **Broms**
Professor, Member of the Iran-United States Claims Tribunal

(*Signed*) Kirsti **Rissanen**
Secretary General
Ministry of Justice

(*Signed*) Holger **Rotkirch**
Ambassador
Ministry for Foreign Affairs

(*Signed*) Anja **Tulenheimo-Takki**
Justice
Supreme Court of Finland

22. Kuenyehia, Akua (Ghana)

[Original: English]

Note verbale

The Permanent Mission of Ghana to the United Nations presents its compliments to the Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations and, with reference to the Secretary-General's note of 13 September 2002, has the honour to communicate as follows:

- That the Government of the Republic of Ghana has nominated Professor (Mrs.) Akua Kuenyehia, Dean of the Faculty of Law, University of Ghana, as a candidate for election to the International Criminal Court;
- That Prof. (Mrs.) Akua Kuenyehia's nomination was done pursuant to the requirements indicated in article 36 (4) (a) (i) of the Rome Statute of the International Criminal Court and, in accordance with article 36 (3) (a) and (b) (ii), shall be in list B;
- That Prof. Kuenyehia has been Associate Professor of Law and Dean of the Faculty of Law since May 1966 and was, until 1 October 2002, the Acting Director of the Ghana School of Law. Mrs. Kuenyehia was educated at Achimota School, University of Ghana, and Oxford University and has since 1972 lectured and researched on a range of subjects including criminal law and procedure, labour law, gender and the law, and international law, including international humanitarian law.

Professor Kuenyehia has been Visiting Professor of Law at various universities, including Leiden, the Netherlands, Temple in the United States of America and Imo State in the Federal Republic of Nigeria. She has several publications on criminal law, gender issues and human rights to her credit.

The Government of Ghana has always believed in the need for a permanent institution that will have jurisdiction over persons who have committed the most serious international crimes, and has also consistently worked in collaboration with other States parties to ensure that there will be no impunity for perpetrators of such crimes.

It is with such conviction that the integrity of the International Criminal Court requires judges of the greatest professional expertise, good judicial temperament, analytical ability and gender sensitivity that the Government of Ghana has decided to nominate Prof. (Mrs.) Akua Kuenyehia as a worthy candidate to this very important judicial office.

...

Prof. (Mrs.) Akua Kuenyehia was recently elected to the United Nations Committee on the Elimination of Discrimination against Women.

Statement of qualifications

Professor (Mrs.) Akua Kuenyehia is a Barrister and Solicitor of the Supreme Court of Ghana. She was called to the Ghana Bar in 1970. She is a person of high moral character, impartiality and integrity and possesses the qualifications for appointment to the highest judicial office, not only in Ghana, but also within the Commonwealth.

Mrs. Kuenyehia possesses the necessary experience as solicitor, advocate, law teacher and human rights expert as well as competence in criminal law and procedure. She has taught, and written on international law, gender and the law, international human rights law and public international law.

She has an excellent command of English and a reasonable knowledge of French, as well as of several African languages. She is qualified to practise law in Ghana, which has a common law system.

Mrs. Kuenyehia is a mother of three grown-up children, and has a demonstrable expertise in gender and women's affairs. She has just been elected a member of the Committee on the Elimination of Discrimination against Women.

Mrs. Kuenyehia is a national of Ghana and does not possess the nationality of any other country.

* * *

Languages: English, fluent; French, basic; and four local languages.

Academic qualifications

1972	Bachelor of Civil Law, University of Oxford, Oxford.
1969	LLB, 2nd Class (Upper Division), University of Ghana.

Professional qualification

Professional Diploma for admission to Ghana Bar, 1970.

Awards

1970	Awarded the Mensah Sarbah Prize for the best student in the Professional Law class.
1991	Awarded a Commonwealth Fellowship.

Professional associations

Member, Ghana Bar Association.

Member, International Federation of Women Lawyers (FIDA).

Member, International Bar Association.

Member, African Society of International and Comparative Law.

Member, Ghana Association of Consultants.

Member, Women in Law and Development in Africa (WILDAF).

Member, Society for International Development.

Work experience

2001-present	Acting Director, Ghana School of Law.
1996	Associate Professor, Faculty of Law, University of Ghana.
1996-present	Dean, Faculty of Law, University of Ghana.
1988	Visiting Scholar, Department of Constitutional Law, Faculty of Law, State University of Leiden, Leiden, the Netherlands.
1987	Consultant Senior Lecturer, Faculty of Law, Imo State University, Okigwe, Nigeria.
1985-1986	Company Secretary and Legal Adviser, UAC of Ghana Ltd.
1985	Senior Lecturer, Faculty of Law, University of Ghana.
1984-1985	Lecturer, Ghana School of Law.
1972-1985	Lecturer, Faculty of Law, University of Ghana.
1980-1981	Visiting Associate Professor and Research Fellow, Temple University School of Law, Philadelphia, PA, United States of America.
1972-1978	Lecturer, Ghana Workers College.

Courses taught to date

University of Ghana	Contracts, International Law, Labour Law, Criminal Law, Health Law and Police Administration, Gender and the Law, International Human Rights Law.
1999-2001	Northwestern University School of Law, Women and the Law.
1986	Imo State University, Nigeria. International Law.
1981	Temple Law School, Philadelphia, United States. Women and the Law.

Fellowships

1991	Awarded a Commonwealth Foundation Fellowship.

Publications

Women and Law in West Africa: Situational Analysis of Some Key Issues Affecting Women (ed.), 1998.

Chapters in books

Improving the Reform Process through Legal Training. In *Comprehensive Legal and Judicial Development. Towards an Agenda for a Just and Equitable Society in the 21st Century*. Ed. Rudolf V. Van Puymbroeck. The World Bank, 2001. pp. 299-308.

Legal Literacy and the Process of Empowerment: A Personal Experience. In *Experiences in Capacity-Building for Ghanaian Women*. Ed. Florence Dolphyne and Esther Ofei-Aboagye, 2001. pp. 9-13.

Family Law in Ghana and its Implications for Women. With Esther Ofei-Aboagye. In *Situational Analysis of Some Key Issues Affecting Women*. pp. 23-61.

Violence against Women in Ghana. With Ellen Bortei-Doku Aryeetey. In *Situational Analysis of Some Key Issues Affecting Women*. pp. 272-299.

Organizing at the Regional Level — The Case of WILDAF. In *From Basic Needs to Basic Rights*. Ed. M. Schuler. chap. 32.

The Impact of Structural Adjustment Programmes on Women's International Human Rights: The Example of Ghana. chap. 18, pp. 422-436. *Human Rights of Women: National Perspectives*. Ed. Rebecca J. Cook. University of Pennsylvania Press, Philadelphia, 1994.

Legal Literacy and Law Enforcement Agencies. In *Ghana: Legal Literacy — A Tool for Women's Empowerment*. Part 5, pp. 301-311. Ed. Margaret Schuler and another. OEF International, Washington, D.C., 1992.

Regional Enforcement of Human Rights: Claiming Our Place. In *The African System: Working the Human Rights System to Women's Advantage*, pp. 95-99. Ed., Margaret Schuler. Institute for Women, Law and Development.

Major articles

The Role of Social and Economic Rights of Women in Africa. *WILDAF News*, No. 1, 1998, pp. 4-9.

50 Years of the Universal Declaration of Human Rights and the Rights of Women in Africa. *Africa Legal Aid Quarterly*, July-September 1998, pp.7-9.

Distribution of Property between Spouses or Divorce in Ghana. 18 *University of Ghana Law Journal*, 94-108.

Women and Family Law in Ghana — An Appraisal of the Property Rights of Married Women in Ghana. 17 *University of Ghana Law Journal*, 72-99.

Legal Services and Education to Grassroots Women in Ghana. *Women, Law and Development in Africa: Origins and Issues*, pp. 117-125. OEF International, Washington, D.C., 1990.

Legal Aid Services to Women in Ghana. *Women, Law and Development: Action for Change*, pp. 53-60. OEF International, Washington, D.C., 1990.

Alternatives to Custodial Sentences in Ghana. *Proceedings of Seminar on the Treatment of Offenders in Ghana, 2-4 October 1989, Accra*, pp. 70-75.

The Problem of the Persistent Offender in the Ghanaian Panel System. 16 *University of Ghana Law Journal*, 84-96.

Women and Family Law in Ghana. *Proceedings of a Seminar on Ghanaian Women in Development*, vol. 1, p. 316, 1978.

Labour Laws on Retirement in Ghana: Ageing and Social Change. *34th Annual New Year School*. Ed. Opare Abetia, pp. 48-52.

A selection of conference papers

July 2000	"Economic and Social Rights of Women in Africa". Conference organized by the Gender Studies Centre and the Institute for Comparative Politics and International Relations, Johann Wolfgang Goethe University, Frankfurt, Germany.
June 2000	World Bank Conference: Comprehensive Legal and Judicial Development: Towards an Agenda for a Just and Equitable Society in the 21st Century. Improving Participation in the Reform Process Through Training.
May 2000	"Parliamentarians for Global Action". Third Annual Conference, West African Pilot Programme on Population and Development. Review of Laws affecting Reproductive Health and Rights, Sexual Health and Rights and Family Planning.
March 2000	Speakers Breakfast Forum, Accra. "The State of Women's Human Rights in Ghana — The Law and Implementation".
September 1999	"The Empowerment of the African Woman in Decision-Making: Hope for the Third Millennium". Keynote address at the Africa Regional Conference of the World Union of Catholic Women's Organizations.
April 1998	"Perceptions about Women in Public Life; Fact and Fiction. The Implications for Legislation". Workshop for Senior Female Civil Servants under the Women in Public Life Project, Ghana Institute of Management and Public Administration.
December 1997	"The Role of Economic and Social Rights in the Achievement of Gender Equality for Women in Africa and Interlinkages of such Rights with Development; A Regional Case Study". Presented at an expert group meeting under the United Nations Division for the Advancement of Women, Turku, Finland.
February 1996	"Platform for Action". Paper presented at a post-Beijing workshop organized by Integrated Social Development Centre (ISODEC), Accra.
November 1996	"Legal Aspects of Drug Prescribing and Treatment Guidelines". Paper presented at a scientific symposium at the Ghana Medical Association, Accra.
December 1996	"Making Law Accessible to the Lay Person: The Court System". Paper presented at a workshop organized by the Human Rights Study Centre, Faculty of Law and Konrad Adenauer Foundation, Accra.
April 1995	"Property Rights of Women in Marriage in Ghana: National and International Perspectives". Seminar organized by FIDA, Ghana, and the Friedrich Ebert Foundation on Women's Rights in Ghana, Accra.

July 1995	"Participation of Women in the Democratic Process in Ghana". Workshop organized by Associates in Rural Development in Africa, Washington, D.C.
August 1995	"University Curriculum, Law and Gender". Paper presented at the twenty-fifth Triennial Conference of the International Federation of University Women, Yokohama, Japan.
September 1995	Fourth World Conference on Women, Beijing.
December 1995	"A Continental Initiative to Rethink Issues of Gender and Human Rights in Africa", Accra.
January 1994	"General Outline of Ghana's 1992 Constitution and the Extent to Which it Satisfies the Human Rights Obligations Assumed by Ghana". Paper presented at a workshop for women Members of Parliament, Akosombo, Ghana.
March 1994	"Women and Their Legal Rights in Ghana". Paper delivered at a workshop on "Empowerment: Taking Responsibility for Change", Abokobi, Ghana.
April 1994	"Law and Family Life in Ghana". Paper presented at a seminar on "Marriage, Divorce, Remarriage and its effects on Children, Parents, Extended Families, Church and Society", organized by the Presbyterian Church of Ghana, Abokobi, Ghana.
August 1994	"The Age of Majority: Women's Rights and Responsibilities". Paper presented at a seminar organized by the Law Reform Commission of Ghana, Accra.
September 1994	"Legal Aid and Services to Disadvantaged Women in Ghana". Paper presented at a seminar on poverty organized by the Conferences and Research Committee of the University of Ghana, Legon.
December 1994	"Convention on the Elimination of All Forms of Discrimination against Women". Paper presented at a seminar organized by ISODEC on "Gender Equality and Social Development, The Social Summit and the Beijing Women's Conference Process in the Ghanaian Context", Abokobi, Ghana.
October 1993	"Human Rights in Health Law". Paper delivered at a workshop organized by the Human Rights Study Centre, Faculty of Law, University of Ghana, Legon — Accra.
July 1993	"The Legal Status of Rural and Urban Poor Women in Ghana". ICJ/WILDAF/FIDA Workshop on Paralegal Training in Ghana, Accra.
July 1993	"The Constitution: Women's Rights and Responsibilities". Paper presented at a workshop for women Members of Parliament, Ministers and Deputy Ministers on "Enhancing the Effectiveness of Women Parliamentarians, Ministers and Deputy Ministers", Accra.

June 1993	World Conference on Human Rights: "The African System of Human Rights and How it Can be Used to Advance Women's Rights".
August 1992	"The Impact of Structural Adjustment on the Human Rights of Women: The Example of Ghana". Consultation on Women's Human Rights, Toronto, Canada.
May 1992	United Nations expert group meeting on "Increased Awareness by Women of their Rights, including Legal Literacy — A case study".
April 1992	"Empowerment Strategies in Health Promotion at the Household, Community and National Levels: Legal and Policy Issues". Paper delivered at a subregional awareness seminar on "Women and Health".
March 1992	"Trade Union Rights within the Labour Laws of Ghana". West Africa Subregional meeting of the International Transport Workers Federation, Accra.
January 1992	"The Participation of Women in Politics in Ghana: A Reappraisal of the Problems". Conference of the Institute of Economic Affairs on Peace and Democracy in Ghana in the Fourth Republic, Accra.
April 1991	"Fostering Rights Awareness Among Women: The Ghanaian Experience". Meeting of the Africa Society of International and Comparative Law, Arusha.
November 1989	"Importance of Legal Aid in the Realization of People's and Human Rights". Seminar on the Judiciary and Human Rights in Africa, Banjul.
December 1987	"Protecting the Rights of Women by Law: Notes on the Ghanaian Situation". Rights and Humanity's first Pan African Workshop, Jos, Nigeria.
1978	"Employment Law and Women in Ghana". Workshop on the Law, Family Welfare and the Status of Women in Anglophone Africa, Nairobi.
1976	"Labour Laws Affecting Ghanaian Women". Africa Regional Conference of the International Federation of Women Lawyers (FIDA), Accra.
1975	"Legal Channels for Change in the Status of Women in Ghana". National Seminar on Women and Development, Accra.

A selection of conferences and seminars attended

2001 March	Commonwealth Human Rights Initiative Conference on Human Rights and The Alleviation of Poverty, Wilton Park, Wilton House, West Sussex, United Kingdom.

2000	July	Conference organized by the Gender Studies Centre and the Institute for Comparative Politics and International Relations of the Johann Wolfgang Goethe University, Frankfurt, Germany.
2000	June	World Bank Conference on Comprehensive Legal and Judicial Development Towards an Agenda for a Just and Equitable Society in the Twenty-first Century.
1998	March	Commission on the Status of Women. Resource person to observe and report on the negotiations for the Optional Protocol to the Convention on the Prevention of All Forms of Discrimination against Women.
1998	June	Attended the World Bank meeting in Washington, D.C., on Women and Law in East Africa, as a resource person.
1997	December	United Nations Division for the Advancement of Women expert group meeting on "The Role of Social and Economic Rights in the Achievement of Gender Equality".
1996	February	Post-Beijing: Looking at the Platform for Action. Poverty Reduction in Ghana.
	May	International Seminar on Modernity, Oxford, United Kingdom.
	November	Problems of Drug Prescribing in Ghana, Accra.
		Assistance for Self-Help Initiatives, Accra.
	December	The Judicial System and Human Rights in Ghana, Accra.
1995	April	Property Rights of Women in Ghana, Accra.
	July	Gender Democracy in Africa, Washington, D.C.
	August	Twenty-fifth Triennial Conference of the International Federation of University Women, Yokohama, Japan.
	September	Fourth World Conference on Women, Beijing.
	December	Continental Initiative: Gender and Human Rights in Africa, Accra.
1994	January	Workshop for Women Members of Parliament, Akosombo, Ghana.
	March	"Women and their Legal Rights in Ghana". Paper delivered at a Workshop on Empowerment: taking Responsibility for Change — Abokobi, Ghana.
	April	Seminar on Marriage, Divorce, Remarriage and its Effects on Children, Parents, Extended Families and the Church, Abokobi, Ghana.
	August	Seminar on the Age of Majority in Ghana, Accra.
	September	Seminar on Poverty, Accra.
	December	Seminar on Equality and Social Development, Abokobi, Ghana.

1993	June	World Conference on Human Rights, Vienna.
	July	Workshop on Legal Services for Rural Women and Paralegal Training, Accra.
	July	Workshop for Women Members of Parliament on Enhancing their Effectiveness.
	October	Human Rights and Health Law. Workshop organized by the Human Rights Study Centre, Faculty of Law, University of Ghana.
1992	January	Institute of Economic Affairs: International Seminar on Prospects for Peace, Prosperity and Development in Ghana.
	March	West African Subregional Meeting of International Transport Workers Federation.
	August	Consultation on Women's Human Rights, Faculty of Law, University of Toronto, Canada.
1991	February-March	Train the trainers for legal literacy meeting of Women in Law and Development in Africa (WILDAF), Harare.
	March-April	Annual meeting of African Society of International and Comparative Law, Arusha.
	April	Annual meeting of Commonwealth Legal Education Association, Cumberland Lodge, United Kingdom.
	May-June	International Consultation on the Role of Missions, Jerusalem.
	October	Conference on Human Rights, organized by the Legal Resources Foundation, Harare.
1990	February	United Nations Development Programme (UNDP) Seminar on Women in Consultancy.
	February	African Regional Conference on Women, Law and Development, Harare.
	April	UNDP Seminar on University Consultancy for Economic Development.
	June	International Consultation on the Role of Missions, Gwatt, Switzerland.
	June	Workshop on Developing an Appropriate Handbook on Legal Literacy for Women, organized by OEF International, Santa Fe, New Mexico, United States.
1989	April	First Planning Meeting of Women, Law and Development in Africa, Harare.
	June	Interregional Meeting on Women, Law and Development, Washington, D.C.
	October	Seminar on the Treatment of Offenders, Accra.
	October	National Seminar on Women, Law and Development, Accra.
	November	Seminar on the Judiciary and Human Rights in Africa, Banjul.

December	Final Planning Meeting on Women, Law and Development in Africa, Nairobi.
1988 October	Joint Workshop, Ghana/Nigeria, on Legal Literacy to Grassroots Women, Accra.
1987 December	Rights and Humanity's First Pan-African Workshop, Faculty of Law, University of Jos, Nigeria.
1986 June	Twenty-third Convention of the International Federation of Women Lawyers (FIDA), Brussels.
1983 June	Operation Crossroads Africa: Role of Professional Women in the United States.
1980 June	Consultation on Prostitution by Ghanaian Women, Accra.
1978	Seminar on Women and Development, Accra.
	Conference on the International Federation of Women Lawyers (FIDA), Nigeria.
	Workshop on the Law, Family Welfare and the Status of Women in Anglophone, Africa, Nairobi.
1976	African Regional Conference of the International Federation of Women Lawyers (FIDA), Accra.
	Workshop on the ACP-EEC Convention, Accra.

Consultancies

A Legal Sector Reform Project: Collating reports of eight consultants into one document and preparing a strategic plan for the Sector, 1999.

Women's Health and Violence: A WHO Perspective. Concept paper for WHO, Harare, 1998.

Draft policy on HIV/AIDS for Ghana, National AIDS/STD Control Programme, 1997 and 1999.

Survey of libel cases in Ghana from 1993 to 1998, Institute for the Development of Democracy and Media, Montreal, 1996.

Availability of credit for small-scale women entrepreneurs in Ghana. Equality Now, New York, December, 1995.

Opportunities for women consultants in Ghana, UNDP, 1991.

Extracurricular activities

Chairperson, National Executive Board, Women in Law and Development in Africa (WILDAF).

Member, University of Cape Coast Council.

Member of the Presidential Commission that investigated the 9 May 2001 stadium disaster in Ghana.

Member, Board of Trustees, Ghana Society for the Blind.

Member, Board of Directors, Great Commission Movement, Ghana.

Member, Board of Directors, Barclays Bank, Ghana Limited.

Member, Board of Trustees, Akrofi-Christaller Institute of Theology and Applied Research — Akropong, Akwapim, Ghana.

Member of the Inter-Church and Ecumenical Services Committee, Presbyterian Church of Ghana.

Chairperson, WILDAF Board of Directors, 1995-December 1996, Member of the Board, from 1991-1998.

Member, Board of Directors, Ghana Legal Literacy and Resource Foundation.

Member, Board of Directors, Ghana Legal Aid Board, 1992-1996.

Member, Board of Directors, Graphic Corporation, October 1995-1997, 1998-present.

Member, Board of Directors, International Centre for Human Rights and Democratic Development, Montreal, 1993-1997.

Member, Board of Directors, Women, Law and Development Institute, Washington, D.C., 1993-present.

Chairperson, Church School Management Committee, March 1991-1996.

Chairperson, FIDA Legal Aid Steering Committee, 1986-1994.

First Vice-President, Ghana Association of Consultants, 1991-1993.

Editor, *University of Ghana Law Journal*, 1986-1992.

Member, Board of Trustees, Child Education Fund, Ghana, 1988-1993.

Member, Disciplinary Committee, General Legal Council of Ghana, 1983-1992.

President, International Federation of Women Lawyers (FIDA), Ghana, 1986-1989.

Chairperson, Ridge Church School Parent Teacher Association, 1986-1987.

Current research and other activities

I am working on a book with a colleague from Northwestern University School of Law on women and law in Africa. Publication date: December 2002.

I am currently coordinating a major research initiative on women and law in Anglophone West Africa. The countries involved are Ghana, Nigeria, Sierra Leone and the Gambia. The project has produced its first publication: *A Situation Analysis of Some Key Issues Affecting Women.* Edited by Akua Kuenyehia. The team is working on the second publication: *Gender Relations in the Family in West Africa.*

Training women leaders from community-based organizations to carry out rights awareness and legal literacy programmes, both in Ghana and in other parts of Africa, e.g., Uganda, Kenya, Liberia, to date.

January 2002: I was part of a team from the Ghana National Petroleum Company that negotiated a deep sea exploration petroleum agreement with a Texas-based company on behalf of the Government of Ghana.

23. Lugakingira, Kamugumya Simon Kahwa (United Republic of Tanzania)

[Original: English]

Note verbale

The Permanent Mission of the United Republic of Tanzania to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform that the Government of the United Republic of Tanzania has nominated and is presenting the Hon. Justice Kamugumya Simon Kahwa Lugakingira as its candidate for the position of a Judge in the International Criminal Court in the election to be held in February 2003.

For purposes of the election, under Article 36 (5) of the ICC Statute, the Permanent Mission requests that Justice Lugakingira's name should be placed under List A as his qualification falls under Article 36 (3) (b) (1) of the Statute.

The Permanent Mission believes that in Justice Lugakingira's more than 28 years in the Judiciary he has accumulated knowledge that would be of immense use to the Court and the international community. From 1987 to 1989, Justice Lugakingira was a Research Fellow at the Max Planck Institute for Foreign and International Penal Law in Germany. He later undertook his LL.M degree specializing in criminology. The Mission is confident that this knowledge of criminology and penology will be an exceptionally valuable asset to the ICC.

The fact that Justice Lugakingira has been able to rise to the Court of Appeal, the highest court in Tanzania, where he was appointed to serve from 1998 to the present, speaks for itself on his competence and immense ability. The Mission believes that it would be a great honour for him to continue dispensing his wealth of knowledge in the honourable international position as Judge of the ICC.

...

The nomination of Justice Lugakingira to stand candidacy for the post of justice of the International Criminal Court has been done in compliance with the provisions of article 36 (4) (a) (i) of the Rome Statute of the International Criminal Court. His name was proposed by the Judiciary and accepted by the Government Authority.

The information further provides that the Hon. Justice Lugakingira is a person of high integrity. As a judge of the High Court of Tanzania for a period of about 28 years, he has been involved in many criminal matters which have made him competent in both criminal law and procedure.

The Government of the United Republic of Tanzania believes that he has the ability and required experience to be considered for nomination as a judge of the International Criminal Court.

Statement of qualifications

Place and date of birth: Tanzania, 15 November 1939.

Education

1947-1953	Primary education.
1954-1961	Secondary education at Kahororo, Ilboru and Tabora Schools.
1962-1965	University College of Dar-es-Salaam — Graduated with LL.B (London).
1987-1988	Research Fellow at the Max Planck Institute for Foreign and International Penal Law, Freiburg, Federal Republic of Germany.
1990	LL.M (Criminology), University of Dar-es-Salaam.

Employment (Judiciary)

1974-1998	Judge of the High Court of Tanzania.
1998 to date	Justice of Appeal, Court of Appeal of Tanzania.

Other activities (selected)

1985-1997	President of the Magistrates and Judges Association of Tanzania.
1995-1999	Chairman of the Legal and Human Rights Centre (Tanzania).
1991 to date	External Examiner in Law to the University of Dar-es-Salaam.

Conferences

Attended Annual Conferences of the International Association of Judges: Berlin (1988), C. — Montana.

Switzerland (1989), Seville — Spain (1990), Sao Paulo — Brazil (1991).

Attended several seminars on constitutionalism and human rights in Tanzania, Kenya and Ireland.

Published papers

"The Travail of Law Reform" in the *Commonwealth Judicial Journal*, June 1986.

"Personal Liberty and Judicial Attitude: The Tanzanian Case" in *Eastern Africa Law Review*, vol. 17 (1990), pp. 107-133.

"The Judiciary and the Interpretation of Tanzania's Constitution: Problems and Prospects" in *East African Journal of Peace and Human Rights*, vol. 7 (2001), pp. 1-15.

Papers submitted for publication

"Victim Compensation and Aspects of Law and Justice in Tanzania" in *East African Journal of Peace and Human Rights*.

24. MacLean Ugarteche, Roberto (Peru)

[Original: English/Spanish]

Note verbale

The Permanent Mission of Peru to the United Nations presents its compliments to the Legal Counsel of the United Nations and has the honour to inform him that the Government of Peru has decided to submit the candidacy of the international law expert Dr. Roberto MacLean Ugarteche for the post of judge at the International Criminal Court, on list B provided for under article 36 of the Rome Statute, for the elections to be held during the first resumed session of the Assembly of States Parties from 3 to 7 February 2003.

Statement of qualifications

Following a rigorous selection process involving a number of applicants of great professional and human distinction, the Government of Peru has decided to submit the candidacy of Dr. Roberto MacLean Ugarteche.

1. Dr. MacLean was selected by a multisectoral committee established by Presidential decree. The committee comprised representatives of the President of the Council of Ministers, the Ministry of Foreign Affairs, the Ministry of Justice and the President of the National Council of the Judiciary.

2. This candidacy has been prepared in accordance with the procedures set out in article 36.4 (a (i)) of the Rome Statute, which provides for nominations of candidates for election to the Court to be made by any State Party, by means of the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question. Dr. MacLean has served as a Judge of the Supreme Court of Peru, with two years in the Criminal Division of the Supreme Court.

3. Dr. MacLean has a wide background and experience in judicial matters, in criminal law and conflicts, and as a practitioner of international law including comparative international law.

4. He was appointed as a member of the national group for the Permanent Court of Arbitration of the International Court of Justice. He has served as a judicial expert of the World Bank, and in that capacity has been involved in judicial reform processes in almost 20 countries in Latin America, Eastern Europe, Asia and Africa. He took part in the first official judicial reform process in Peru. Among other major positions in the legal and judicial field, he has served as a judge of the Administrative Tribunal of the Inter-American Development Bank; an Assessor of the Supreme People's Court of the Socialist Republic of Viet Nam; and Chairman and member of the Inter-American Juridical Committee of the Organization of American States which presided over the preparation of a number of draft inter-American treaties on international criminal law and international law relating to criminal procedure.

5. As an academic, he has served as a professor of public and private international law and criminal law at various Peruvian universities and specialized schools, as a visiting professor at universities in North and Central America and

Europe, as a professor at the Annual Course at The Hague Academy of International Law and at the University of Cambridge International Law Research Centre, inter alia. He has published many articles on judicial reform. Four of his books on subjects relating to international law and the administration of justice have been published, and another is in preparation.

6. Dr. MacLean has served as Ambassador Extraordinary and Plenipotentiary of Peru to the United States of America.

7. The candidacy of Dr. MacLean is to be included in List B.

New York, 29 November 2002

* * *

Judicial experience

Experience in judicial matters

Assessor of the Supreme People's Court of the Socialist Republic of Viet Nam (2002).

Commissioner at the United Nations Security Council Compensations Commission. Chairman of the E/F Panel responsible for addressing claims relating to Insurance and Export Credits (1998-2002).

World Bank judicial specialist. Participated as such in the judicial reform processes of Russian Federation, Ukraine, Georgia, Poland, Albania, Egypt, Indonesia, Argentina, Venezuela, Guatemala, Ecuador, Peru, Dominican Republic (1994 to 1997).

Judge of the Administrative Tribunal of the Inter-American Development Bank (1994 to 2000).

Chairman of the Dispute Resolution Interest Group of the American Society of International Law (1994 to 2000).

Member of the Permanent Court of International Arbitration at The Hague (1977-1996).

Consultant for the Andean Common Market on the text of the treaty and regulations governing its Tribunal (1980).

Justice of the Supreme Court of Peru; two years in the Criminal Bench of the Supreme Court (1976-1980).

Member of the National Commission for Judicial Reform in Peru (1978-1979).

Member of the Peruvian Delegation to the Meeting of Experts for the creation of the Tribunal of the Andean Common Market, 1978.

Speaker at the following meetings and conferences on judicial reform

Seminar for Judges. Supreme People's Court. Hanoi, Viet Nam (2002).

Seminar for Judges. Ho Chi Minh City. Viet Nam (2002).

Workshop at the Judicial Academy of Peru (2002).

Conference on Constitutional Comparative Law at Georgetown University, Washington, D.C., 1999.

Round Table on Corruption in the Americas at the American University, Washington, D.C., 1999.

International Relations Centre of the University of Cologne, Germany, 1999.

Instituto de la Judicatura Federal de México, Mexico City, 1998.

American Society of International Law. Conference on International Commercial Dispute Resolution, Dallas, Texas, 1998.

Law Institute of the Americas, Dallas, Texas, 1998.

Tower Center for Political Studies, Southern Methodist University, Dallas, Texas, 1997.

Supreme Court and Consejo de la Judicatura Federal, Mexico City, Mexico, 1997.

Chief Justices of Asia and the Pacific, and LAWASIA Conference, Manila, 1997.

Legal and Judicial Reform Seminar, World Bank, Washington, D.C., 1997.

Conference of Brazilian Labour Judges, Goiania, Brazil, 1997.

Academia de la Magistratura, Lima, Peru, 1996, 1997.

Judicial Council of the Russian Federation, Moscow, 1996.

New York Bar Association, New York, 1996.

Corte Suprema de Guatemala, Antigua, Guatemala, 1996, 1997.

Distinguished Lecturer at Southern Methodist University, Dallas, Texas, 1996.

Inter-American Meeting of Human Rights Organizations, Caracas 1996.

Instituto de Investigaciones Juridicas, Mexico City, Mexico, 1995, 1996.

Consejo de la Judicatura, Venezuela (La Puerta 1995, Maturín 1995).

Supreme Court of the United States, Washington, D.C., 1995.

Keynote Speaker at a meeting of American and Mexican Judges in Nogales, Tucson, Arizona (1994).

International Centre for Settlement of Investment Disputes (ICSID), International Chamber of Commerce (ICC), American Arbitration Association (AAA), Coral Gables, Florida, 1993.

Inter-American Juridical Committee, Rio de Janeiro, Brazil (1988, 1989).

Foro de Estudios sobre la Administración de Justicia (FORES), Mar del Plata, Argentina, 1979.

American Bar Association, Washington, D.C., 1978.

Supreme Court of Peru, 1977.

Author of the following articles on judicial reform

Judicial Systems: Challenges for the 21st Century, 1999.

The Growing Importance of Arbitration in International Finance, 1999.

The Social Efficiency of Laws as an Element of Political and Economic Development, 1997.

Judicial Education in a Culture of Service and its Funding, 1977.

Judicial Reform in the Americas. NAFTA: *Law and Business Review of the Americas*. Vol. III, 1997, p. 3.

The Culture of Service in the Administration of Justice. *Transnational Law and Contemporary Problems*, 1977.

Requiem para el Espíritu del Legislador. La Cultura de servicio en la Administración de Justicia. Themis. *Revista de Derecho de Lima, Peru*, 1996, No. 33. Also in *El Papel del Derecho Internacional en América*, Mexico, 1997.

Algunas consideraciones sobre los Efectos de la Administración de Justicia en la Propiedad y los Contratos, en *la Reforma del Estado*. Mexico, 1996, p. 527, also in Themis, *Revista de Derecho de Lima, Peru,* 1997. No. 35.

Lo que se espera de jueces y magistrados. *Justicia*. Guatemala, 1996, p. 21.

Perspectives: Developments in Latin America with the Adoption of the Oral-Adversarial Legal System. Praxis. *The Fletcher School Journal of Development Studies*. Vol. X, No. 2, 1993, p. 18.

Judicial Discretion in the Civil Law. *Louisiana Law Review*. Vol. 43, 1982, p. 45.

Razonamiento Judicial y Realidad Social en el Perú , in *Revista de Jurisprudencia Peruana*. July-August 1978, p. 680. Also in English in the *American Journal of Comparative Law*, vol. 28, 1980, No. 3, p. 489.

La Jurisprudencia como Fuente Obligatoria de Derecho. Revista del Foro, 1968, p. 68.

Commentaries written about him in the area of judicial reform

American Journal of Comparative Law, Vol. 28, No. 3, 1980, p. 489.

Experience in criminal law and conflicts

Lecturer on Comparative Criminal Judicial Procedure at the Annual Inter-American Course at the College of the Royal Mounted Police (Canada) (1989-2001).

Ambassador of Peru to the United States at a time when 90 per cent of the agenda between the two countries was occupied with drug trafficking, terrorism and human rights (1991-1992).

Member of the Board of the Centre for Information and Education for the Prevention of Drug Abuse (CEDRO), an NGO dedicated totally to the problems of drug trafficking and consumption (1980-1990 and 2002 to date).

Member of the Board of Instituto Libertad y Democracia (ILD), a think tank which from 1980 to 1990 designed the policy of the Peruvian Government towards finding an alternative solution to drug production and trafficking (1980 to date).

Member of the Consultative Council of the Ministry of Justice of Peru, a task involving a considerable proportion of work on criminal law (1988-1990).

Chairman and member of the Inter-American Juridical Committee of the Organization of American States at a time when several inter-american treaties on international criminal law and international criminal procedure were being elaborated. Some of these drafts were elaborated by him (1984-1990).

Justice of the Supreme Court of Peru during which time he was for two years fully dedicated to the Criminal Bench of the Court (1976-1980).

Professor of Private International Law at the Universidad Nacional Mayor de San Marcos de Lima; one third of this course was dedicated to international criminal law (1965-1991).

Member of the Heraud law firm in Lima; during this time one third of his practice was in criminal law (1957-1969).

Lecturer on International Criminal Law Studies, at the Fletcher School of Law and Diplomacy (Boston); Duquesne University (Pittsburgh); Pennsylvania State University; Center for Inter-American Relations (Washington, D.C.); Instituto Getulio Vargas (Rio de Janeiro); and the Bar Associations of Lima, Piura, Lambayeque, Huaraz, Arequipa and Tacna in Peru.

Experience as an international and comparative lawyer

Professional experience

Counsel at the law firm Miranda & Amado in Lima, Peru (1999 to date).

Judge at the Administrative Tribunal of the Inter-American Development Bank (1994-1999).

Chairman of the Latin American Practice Group of the law firm Cole Corette and Abrutyn of Washington, D.C. (1992-1997).

Vice President and General Counsel of the Central Reserve Bank of Peru (1969-1976 and 1982-1991).

Executive Vice President of the Central Reserve Bank of Peru (1983-1984).

Chairman of the Inter-American Juridical Committee of the Organization of American States (1986-1988).

Member of the Inter-American Juridical Committee of the Organization of American States (1984-1991).

General Counsel to Minpeco S.A. (1980-1982).

Member of the Permanent Court of International Arbitration at The Hague (1977-1996).

Justice of the Supreme Court of Peru (1976-1980).

Member of the Heraud law firm in Lima (1957-1969).

Academic experience

Distinguished Visiting Professor on Comparative Law at Southern Methodist University School of Law (1998 to 2001).

President of the Law Institute of the Americas at Southern Methodist University, Dallas, Texas (1997 to date).

Adjunct Professor of Comparative Law and International Trade Law at Georgetown University Law Center (1992-1997).

Professor of Private International Law, International Civil Law, International Commercial Law, International Criminal Law and Comparative Law at the Universidad Nacional Mayor de San Marcos de Lima (1965-1991).

Visiting Scholar at the University of Cambridge International Law Research Centre (United Kingdom) (1987, 1990).

Professor of Private International Law, International Criminal Law, Comparative Law, and International Trade Law at the Universidad Católica del Peru (1963-1974) (1986-1989).

Visiting professor at the Law School of Southern Methodist University, Dallas, Texas (1984 — one semester) (1989 — one semester).

Professor of the Annual Course of The Hague Academy of International Law (July 1989).

Visiting Professor at the Seminar on International Trade Law at Houston University (Texas) (1979) (one month).

Visiting Professor at the Seminary on International Trade Law at the University of Illinois at Champaign — Urbana (1978) (one month).

Visiting Professor at the University of Leeds (United Kingdom) in Private International Law (1974-1975) (one year).

Dean of the Faculty of Law at the Universidad Católica del Peru (1972-1973).

Head of the Department of Law at Universidad Católica del Peru (1969-1972).

Visiting Fellow at the University of Wisconsin, Madison (1968) (two months).

Professor of Private International Law at the Diplomatic Academy of the Ministry of Foreign Affairs of Peru (1967-1970).

Visiting Research Fellow at the Instituto de Derecho Comparado, Universidad Nacional Autónoma de México (1961-1962) (four months).

Other experience

Ambassador of Peru to the United States (1991-1992).

Chairman of the National Committee for Foreign Investments and Technologies of Peru (1990-1991).

Member of the Consultative Council and External Adviser of the Ministry of Foreign Affairs of Peru (1983-1992).

Member of the Consultative Council of the Ministry of Justice of Peru (1988-1990).

Legal Counsel of the Peruvian delegation in talks with Chile on the 1929 Lima Treaty (1985-1990).

Expert invited by the United Nations to a meeting on international economic coercion (Geneva, 1985).

Member of the Peruvian delegation to the Third Inter-American Conference on Private International Law organized by the Organization of American States (La Paz, 1984).

Expert invited by the Organization of American States to the meeting on international adoptions (Quito, 1983).

Expert invited by the Organization of American States to the meeting on comparative law (Barbados, 1983).

Member of the Peruvian delegation to the Second Inter-American Conference on Private International Law organized by the Organization of American States (1979).

Member of the Peruvian delegation to the expert meetings for the creation of the Andean Tribunal (1978, 1981).

Member of the Board of Directors of the Caja de Ahorros de Lima (1975-1976).

Vice President of the Committee for Foreign Investments and Technologies of the Ministry of Economy and Finance (1973-1975).

Member of the Peruvian delegation to the meeting of experts of the Andean Group (1966-1972).

Legal Adviser to the Peruvian delegation to the first meeting of member countries of the Andean Zone (1965).

President of the Law Students Union, Universidad Nacional Mayor de San Marcos de Lima (1953).

Publications

Books

Las Personas Jurídicas en el Derecho Internacional Privado, Lima, 1963. (Premio Nacional de Fomento a la Cultura Francisco Garcia Calderon).

Las Sentencias Extranjeras, Lima, 1969 (Premio de Colegio de Abogados de Lima).

Derecho del Comercio Internacional, Lima, 1981. Second edition printed in Bogotá, Colombia, 1982.

Legal Aspects of the External Debt. Recueil des Cours de l'Academie de droit international de la Hague. Vol. II, 1989.

The Culture of Service in the Administration of Justice (in preparation).

Articles on private international law

Nota sobre el Problema Jurídico de la Compañia Universal del Canal Marítimo de Suez en el Derecho Inglés y Francés, in *Revista de Jurisprudencia peruana*, 1957, p. 732.

El Concepto Jurídico de la Nacionalidad y el Domicilio de las Personas Jurídicas en el Derecho Internacional Privado Peruano, in *Revista de Jurisprudencia Peruana*, 1958, p. 132.

La Doctrina Moderna de Caracterización, in *Revista de Jurisprudencia Peruana*, 1958, p. 493.

Los Exhortos en el Derecho Internacional Privado Peruano, in *Revista de Jurisprudencia Peruana*, 1960, p. 650.

La Existencia de las Personas Jurídicas, in *Revista del Foro*. Año XLVIII (1961), Nos. 2-3, p. 11.

La Extraterritorialidad de las Personal Jurídicas, in *Revista de Jurisprudencia Peruana*, 1961, p. 1582.

Las Personas Jurídicas en el Derecho Internacional Privado Argentino y Peruano, in *Boletín del Instituto de Derecho Comparado de México*, No. 44 (1962), p. 299.

Introducción al Estudio de la Extraterritorialidad de las Sentencias, in *Boletín del Instituto de Derecho Comparado de México*, No. 47 (1963), p. 325.

La Eficacia de las Sentencias Extranjeras, in *Boletín del Instituto de Derecho Comparado de México*. No. 52 (1965), p. 3.

Reconocimiento y Ejecución de las Sentencias Extranjeras en el Peru, in *Derecho* No. XXV (1966), p. 15.

El Derecho Internacional Privado Peruano y el Congreso Americano de Jurisconsultos de 1877, in *Revista de Derecho y Ciencias Políticas*, 1977.

El Derecho Internacional Privado en la Nueva Constitución, Lima, 1979.

(with Delia R. de Debakey) La Noción del Derecho Internacional Privado, 1985. In *Libro de Homenaje a José León Barandiarán*.

(with Manuel A. Vicira) la Restitución Internacional de Menores, 1988. In *Libro de Homenaje a Mario Alzamora Valdez*.

Articles on comparative law

Apuntes para el Estudio Comparado del Derecho, in *Revista de Jurisprudencia Peruana*, 1958, p. 932.

El Sistema Legal Inglés, in *Revista de Jurisprudencia Peruana*, 1958, p. 1286.

Método para el Estudio Comparado del Derecho, in *Revista de Jurisprudencia Peruana*, 1960, p. 874.

Estudio Comparado de las Fuentes de Documentación de Derecho en la Argentina y en el Peru. *Revista Jurídica del Peru*, 1960, p. 138.

Las Personas Jurídicas en el Derecho Internacional Privado Argentino y Peruano (see also above, under Articles on Private International Law).

El Derecho Internacional Privado en Inglaterra in *Revista de Jurisprudencia Peruana*, 1962.

La Familia en el Derecho Inglés, in *Boletín del Instituto de Derecho Comparado de México*, No. 45 (1962), p. 597.

Fundamentos Teóricos del Derecho Inglés, in *Derecho*, 1963, p. 133.

Judicial Discretion in the Civil Law. *Louisiana Law Review*, vol. 43, No. 1, p. 45.

El Proceso Judicial Penal en Las Americas, 1998 (unpublished).

El Shari'a o Ley Islámica en el Mundo Contemporáneo (in preparation).

Articles on international trade law

Consideraciones Preliminares a un Estudio del Régimen Legal de las Inversiones Extranjeras en el Perú. *Revista Española de Derecho Internacional*, 1972, p. 213.

La Jurisdicción Internacional de los Tribunales Peruanos en Materia de Transporte Marítimo y las Reglas de Hamburgo. *Revista de la Asociación Peruana de Derecho Marítimo*, No. 22, 1979, p. 7.

Coerción Económica Internacional. Notas para su Definición. Centro Peruano de Estudios Internacionales, 1986.

Membership of professional and cultural bodies

Lima Bar Association (Colegio de Abogados de Lima).

American Bar Association.

Sociedad Peruana de Derecho Internacional.

International Law Association of London.

American Society of International Law.

Asociación Peruana de Derecho Marítimo.

Comité maritime international.

Corresponding Member of the Institute of International Business Law and Practice of the International Chamber of Commerce of Paris.

Member of the Advisory Board of the Institute of International Law of the University of Houston (Texas).

Member of the Advisory Board of the Banking Law Institute of the University of London.

Member of the Advisory Board of the *Revista de Derecho Internacional Económico*, Caracas.

Member of the Advisory Board of the Commonwealth Judicial Education Institute, Canada.

Member of the Board of the Fulbright Commission of Peru (1982-1987).

Member of the Asociación de Derecho de Propiedad Industrial del Perú.

Founder Member of the Centro Peruano de Estudios Internacionales (CEPEI).

Member of the Board of Instituto Libertad y Democracia.

Other background

Membership of other institutions

British Peruvian Cultural Association.

Indo Peruvian Cultural Association.

Honours and distinctions

Honorary Commander of the Order of the British Empire, CBE.

Senior Fellowship of the British Council, 1987.

Academic degrees

Bachelor of Law (San Marcos, 1953).

Attorney at Law (San Marcos, 1953).

Doctor of Law (San Marcos, 1961).

University education

University of Cambridge, United Kingdom (1954-1957).

Universidad Nacional Mayor de San Marcos de Lima (1947-1953, 1961).

Lectures delivered outside Peru

United States of America

Universities of Houston, Southern Methodist (Dallas), Iowa, Arizona State, and Southern California; University of Louisville, Kentucky; Pomona College, California; Duquesne University; Pennsylvania State University; Louisiana State University; Fletcher School of Law and Diplomacy (Boston); Georgetown University; George Washington University; American University (Washington, D.C.); University of Virginia and World Trade Center; Thunderbird Business School, Arizona; American Bar Association in Washington, D.C.; Houston Bar Association; Dallas Bar Association; The District of Columbia and New York Bar Associations; Federal Bar Association, Washington, D.C.; Foreign Law Society, Washington, D.C.; Interamerican Relations Council; International Law Institute, Washington, D.C.; Baltimore International Relations Council; Arizona International Relations Council; Washington International Business Council; World Bank; International Monetary Fund; Supreme Court of the United States.

Russian Federation

Judicial Council of the Russian Federation; Legal Academy.

United Kingdom of Great Britain and Northern Ireland

Universities of Leeds, Cambridge, London, Cardiff, Exeter, Warwick, Birmingham, Southampton and Durham; Chattam House; Canning House; Middle Temple Inn of Court, London.

Canada

College of the Royal Mounted Police, Ottawa.

India

New Delhi, Second Conference on Research and Information Systems of the Non-Aligned and Other Developing Countries.

South Africa

University of Pretoria, Bantu University of the North.

Philippines

Law Association for Asia and the Pacific (LAWASIA).

Argentina

National Conference on Judicial Reform at Mar del Plata; Foro de Estudios sobre Administración de Justicia (FORES).

Brazil

Instituto Getulio Vargas, Rio de Janeiro; Conference of Labour Law Judges in Goiania.

Mexico

Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México; Supreme Court and Council of the Federal Judiciary.

Chile

University of Chile, Institute of International Relations; School of Diplomacy of the Ministry of Foreign Affairs.

Dominican Republic

Pedro Henríquez Ureña University.

Ecuador

Catholic University of Guayaquil; Bar Association of Quito.

Panama

University of Panama, School of Law.

Costa Rica

University of Costa Rica, School of Law.

Guatemala

University of Guatemala, School of Law; Supreme Court.

El Salvador

Fundación Salvadoreña para el Desarrollo Económico y Social (FUSADES).

Venezuela

Council of the Judiciary.

Lectures delivered in Peru

Universidad Nacional Mayor de San Marcos; Universidad Católica del Perú; Universidad Nacional de Ingeniería; Universidad Victor Andrés Belaúnde de Ayacucho; Supreme Court; Escuela Superior de Administración de Negocios; Asociación de Exportadores-ADEX; Instituto Peruano de Administración de Empresas; Law schools of Lima, Piura, Lambayeque, Huaraz, Arequipa and Tacna; British Peruvian Cultural Association.

Articles on other subjects

La Justicia en las Obras de Shakespeare.

Sancho Panza, Espejo de Jueces.

Pantaleón o el Delirio Legislativo.

Languages

Spanish, English, French (reading only), Portuguese (reading and understanding only). Was main consultant on legal and political matters for the Simon and Schuster International English-Spanish/Spanish-English Dictionary.

25. Ndir, Doudou (Senegal)

[Original: English/French]

Note verbale

The Permanent Mission of Senegal to the United Nations presents its compliments to the Office of the Legal Counsel in the United Nations Secretariat and has the honour to nominate Mr. Doudou Ndir, a Senegalese national, as a candidate for judge of the International Criminal Court, List A, in the February 2003 elections.

Mr. Ndir is a judge and a specialist in criminal law and criminal procedure with nearly 35 years' experience as a criminal court judge. He is currently Director of Criminal Cases and Pardons in the Senegalese Ministry of Justice and attended all the meetings of the Preparatory Commission for the International Criminal Court and the Rome Conference, while continuing to make a valuable contribution to the development and implementation of Senegal's policy in the area of criminal law.

Mr. Doudou Ndir fulfils the conditions laid down for judges of the International Criminal Court. The Government of Senegal has therefore decided to nominate him, in the firm belief that, once elected, Judge Ndir will make a great contribution to the work of the Court and to efforts to combat impunity.

...

In selecting Mr. Ndir, Senegal followed the procedure expressly referred to in article 36, paragraph 4 (a) (i), of the Rome Statute, namely, that of nomination of candidates for appointment to the highest judicial offices in Senegal, which, under the Senegalese Constitution, involves nomination by the President of the Republic and the President of the Supreme Council of the Judiciary.

Statement of qualifications

Date of birth: 1942.

Education

Faculty of Law, University of Dakar

Faculty of Law, Paris. Master's degree in law, 1967

Diploma from the Centre National d'Etudes Judiciaires de Paris, 1969

Professional career

Courts (1969-1975)

1969-1970	Deputy Public Prosecutor in Kaolack
1970-1972	Deputy Public Prosecutor in Dakar
1972-1973	Public Prosecutor in Tambacounda
1973-1975	Senior Deputy Public Prosecutor in Dakar

Office of the President (1975-1986)

1975-1977: Technical adviser in the Office of the President (Government, legal and judicial matters, relations with the Ministry of Justice)

1977-1981: Deputy Chief of Staff in the Office of the President (coordination of the work of technical advisers and of related services; preparing the agenda to be discussed by the President in cabinet meetings)

1977-1981: Chairman of the national committee on public service contracts (advised the Prime Minister on the approval of procurement contracts)

1977-1979: Plenipotentiary delegate of Senegal to the third United Nations Conference on the Law of the Sea

1981-1986: State Inspector-General in the Office of the President

Court of appeal (1986-1988)

1986-1988: Adviser at the Court of Appeal

- Indictment Division
- Appeals Division

Supreme Court (1988-1992)

1988-1989: Adviser at the Supreme Court

1989-1992: Advocate-General at the Supreme Court

Conseil d'Etat (1992-1997)

Member of the Conseil d'Etat

Secretary General of the Conseil d'Etat

Director of criminal matters and presidential pardons (1997-)

Responsible for drafting Senegal's policy on criminal matters, ensuring its implementation by public prosecutors and follow-up.

Other international activities

Expert to the United Nations Commission on International Trade Law (took part in Vienna in the proceedings of the experts on the United Nations convention on contracts for the international sale of goods).

Chairman of the Special National Committee on Gambling in Senegal.

Delegate of Senegal to the negotiations of the Organization of African Unity for the establishment of the African Court of Human and People's Rights.

Chairman of the preparatory committee for the African seminar on the establishment of an International Criminal Court (Dakar, February 1998).

Plenipotentiary delegate of Senegal to the United Nations Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court (Rome, July 1998).

Delegate of Senegal (1997-2002) to the meetings of the preparatory committees for the International Criminal Court.

Chairman of the African committee of experts on the negotiations that led to the Organization of African Unity Convention on the Prevention and Combating of Terrorism (Algiers, June 1999).

Chairman of the preparatory committee for the summit on the African Pact against Terrorism (October 2001).

Chairman of the Dakar African regional preparatory meeting for the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance (January 2001).

Chairman of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance (Durban, September 2001).

Delegate of Senegal to the United Nations Conference (Palermo, December 2000) for the signing of the United Nations Convention against Transnational Organized Crime and the protocols thereto.

Delegate of Senegal to the Al Gore conference on corruption (Washington, D.C., February 1999).

Delegate of Senegal to the first session of the Ad Hoc Committee for the Negotiation of a United Nations convention against corruption (Vienna, January 2002).

Delegate of Senegal to the Conference of African Ministers of Finance on corruption organized by the Global Coalition for Africa at the Headquarters of the International Monetary Fund (Washington, D.C., February 1999).

Chairman of Senegal's national committee on illicit enrichment and economic crime (2001-2002).

Delegate of Senegal to the subregional seminar of the West African Economic and Monetary Union (UEMOA) on money-laundering (Dakar, July 2000).

International consultant:

- Participated in the work of Benin's national commission on legislation and codification (August 1997)
- Publications on good governance (Cameroon, Chad, Senegal).

Publications

Reports

United Nations project (CMR/97/001) in connection with the fight against corruption and mismanagement of public funds: mission and report in November 1998 on legal instruments and criteria for awarding procurement contracts in Cameroon.

United Nations project (CHD/00/002): mission to Ndjamena followed by a report on Chad's judiciary (November-December 2001).

Report of the sectoral technical committee/element of fairness in Senegal's integrated public sector reform programme (2001-2002).

Many publications on:

Corruption

Human rights.

Decorations

Officer of the Order of the Lion of Senegal.

26. Nieto Navia, Rafael (Colombia)

[Original: English/Spanish]

Note verbale

The Permanent Mission of Colombia to the United Nations presents its compliments to the Secretary-General of the United Nations, Office of Legal Affairs, and with reference to his note dated 13 September 2002 has the honour to inform him that the Government of Colombia has decided to nominate Dr. Rafael Nieto Navia for election as a judge to the International Criminal Court from list B.

...

The candidate has been nominated in accordance with the procedure laid down in the Statute of the International Criminal Court (article 36.4 (a) (ii)).

...

Statement of qualifications

(a) Mr. Nieto Navia, who is presently a judge *ad litem* in the International Tribunal for the Former Yugoslavia and from 17 November 1997 to 16 November 2001 was a permanent member of the Appeals Chamber of both the Yugoslavian and the Rwandan Tribunals, is a person of high moral standards, impartiality and integrity who possesses all the requirements for appointment to the highest judicial offices (article 36.3 (a)).

Mr. Nieto Navia fulfils the requirements of both article 36.3 (b) (i) and (ii), as is specified in his curriculum vitae. He has established a keen competence in international law and the necessary relevant experience, as judge and professor, in criminal proceedings. Specifically, he has been a distinguished professor of public international law at the Javeriana University in Bogotá and has been a visiting lecturer of international law in various universities, centres of studies and think tanks in Latin America, the United States of America and Europe. He is also specialized particularly in the law of human rights, as a former judge and president of the Inter-American Court of Human Rights and former member and Vice-President of the Council of the Inter-American Institute for Human Rights in San José.

Mr. Nieto Navia is fluent in English and his mother tongue is Spanish (article 36.3 (c)).

(b) Mr. Nieto Navia is being nominated for inclusion in list B for the purposes of paragraph 5 of article 36 of the Statute.

(c) The information relating to subparagraphs (i) and (ii) of paragraph 8 (a) of article 36 of the Statute is as follows:

(i) Mr. Nieto Navia is qualified and practises within the Colombian judiciary system mainly, which is a civil law legal system.

(d) Mr. Nieto Navia has extensive legal academic knowledge on a wide range of specific issues relevant to the work of the Court including, but not limited to the following:

– Public international law

– International criminal law

– International Tribunals: Rules of Procedure and Evidence

– International human rights law

– Rome Statute and Elements of Crimes

– International Criminal Court: Rules of Procedure and Evidence

(e) Mr. Nieto Navia is a national of Colombia and does not possess the nationality of any other State.

(i) Mr. Nieto Navia is a national of Colombia, which is a member of the Group of Latin American and Caribbean countries.

(ii) Mr. Nieto Navia is male.

* * *

Ad litem judge of the International Tribunal for the Former Yugoslavia, assigned to the *Galić* case (in Sarajevo).

Associate member of the Institut de Droit International.

Born in Bogotá on 5 February 1938.

Judge in the Appeals Chambers of the International Tribunals for Yugoslavia and Rwanda since November 1997.

Judge and President of the Argentine-Chilean International Arbitral Tribunal to delimit the boundary between marker 62 and Mount Fitz-Roy (1991-1995).

Former judge (1982-1994) and President (1987-1989 and 1993-1994) of the Inter-American Court of Human Rights.

Member of the Colombian National Group of the Permanent Court of Arbitration at The Hague since 1988.

Member of the Advisory Committee on Foreign Affairs of Colombia (1982-1986).

Associate Judge in the Constitutional Division of the Supreme Court of Justice of Colombia (1980-1984).

Education

Javeriana University, Bogotá: Doctor of Laws and Economic Sciences (1962).

University of the Andes, Bogotá (International Law Academy of The Hague, external session): International Law (1969).

Javeriana University: Bonds and securities (1971).

University of Buenos Aires (International Law Academy of The Hague, external session): International Law (1972).

Fundação Getúlio Vargas (Río de Janeiro) (Organization of American States (OAS), Inter-American Legal Commission) International Law (1974).

Teaching experience

Distinguished Professor of Public International Law at the Faculty of Law of Javeriana University (1962-1997).

Taught at Santo Tomás University, Bogotá (1996); at the International Law and Diplomacy Institute of Jorge Tadeo Lozano University, Bogotá (1974-1976); at the international law specialization course at Colegio Mayor de Nuestra Señora del Rosario, Bogotá (1975); at Nueva Granada University (Bogotá) (1979-1981); at Sergio Arboleda University, Bogotá (1986-1990); and in the Political Science Faculty of Javeriana University (1985-1991).

Other academic activities

Professor of Bonds and Securities at the College of Higher Administration Studies, Bogotá (1977-1997).

Guest lecturer or professor: Centre for Colombian Studies, International Studies Institute of the Ministry of Foreign Affairs, Higher Military School of Colombia, External Studies Programme of the University of Colombia, Aspen Institute for Humanistic Studies, Inter-American Institute of Human Rights (San José), OAS-ICJ International Law Course (Río de Janeiro), International Institute of Human Rights (René Cassin Foundation) (Strasbourg), National University of Córdoba (Argentina), University of Texas at Tyler, University of Lomas de Zamora (Buenos Aires), Council of Europe (Strasbourg), Ibero-American University (Mexico City), Pontifical University of Salamanca (Spain), Institute of Public International Law (Thessaloniki), Colombian Institute of Administration (Bogotá) and the International Institute of Humanitarian Law (San Remo, Italy).

Other experience

Member of the Colombian Government commission that organized the Fourth Congress of the Hispanic-Luso-American Institute of International Law (1962).

Member of the First Subcommission for the study of the Concordat problems of the Episcopal Conference of Colombia (1972-1973).

Chief delegate to the Second Latin American Congress on Savings (Guatemala, 1966).

Director of the International Policy Section (1968-1971) and co-Director of the Policy Section (1971-1982) of the journal *Javeriana*.

Former President of the Centre for Colombian Studies and Director of its journal (1982-1984).

Member of the Colombian Government's Commission for Constitutional and Legal Matters, which prepared draft proposals for constitutional reform (1984-1985).

Member of the Consultative Council of the Inter-American Electoral Advisory and Promotion Centre (San José) since 1984 and of the Inter-American Institute of Human Rights (San José) from 1983 to 1995.

Vice-President of the Inter-American Institute of Human Rights (San José) (May 1992-June 1994).

Representative, as Ambassador Extraordinary and Plenipotentiary of Colombia, to the Ninth Conference of Heads of State or Government of Non-Aligned Countries (1989).

Representative, as Ambassador Extraordinary and Plenipotentiary of Colombia, to the forty-fourth session of the General Assembly of the United Nations and the Security Council (1989).

Represented the Inter-American Court, from 1985 to 1994 in the ordinary sessions of the General Assembly of the Organization of American States.

Member of the Committee of Honour for the twenty-fifth anniversary of the International Institute of Human Rights.

Publications

La Doctrina de Monroe, Presencia Histórica (thesis), Bogotá, 1962.

El Pensamiento Político del Libertador (ed.), Bogotá, 1983.

El bien común, Instituto Juan Pablo II, Bogotá, 1989.

Derecho Internacional Público — Lectures (selected by Rafael Nieto-Navia), Javeriana University, Bogotá, 1990.

La Corte Interamericana de Derechos Humanos: su Jurisprudencia como Mecanismo de Avance en la Protección de los Derechos Humanos y sus Limitaciones. Inter-American Institute of Human Rights (IIDH), NGO series No. 2, San José, 1991.

Introducción al Sistema Interamericano de Protección a los Derechos Humanos, 2nd ed., IIDH, Editorial Temis, San José/Bogotá, 1993.

Estudios sobre Derecho Internacional Público, Javeriana University, Bogotá, 1993.

La Corte y el Sistema Interamericano de Derechos Humanos (ed.), IIDH Court (San José, 1994).

Articles, chapters in contributed volumes

La Jurisprudencia de la Corte Interamericana de Derechos Humanos, in: *XI Curso de Derecho Internacional* (OAS-ICJ, Washington, D.C., 1984).

La Jurisprudencia de la Corte Interamericana de Derechos Humanos. *Revista IIDH* (San José, January-June 1985).

La Jurisprudencia de la Corte Interamericana de Derechos Humanos sobre la Convención de Viena sobre el Derecho de los Tratados. *Derechos Humanos en las Américas: Libro Homenaje a la Memoria de Carlos A. Dunshee de Abranches* (OAS, Washington, D.C., 1985).

La Constitución colombiana y los Tratados internacionales. *Inter-American Juridical Yearbook* (Washington, D.C., 1985).

El Golfo y San Andrés. *Credencial* (Bogotá, November 1987).

Comentarios al Discurso del Papa en la Casa de Nariño. In *Hacia la Civilización del Amor* (Instituto de Estudios Sociales Juan Pablo II and Centro de Estudios colombianos, Bogotá, 1987).

La Subjetividad Internacional de la Iglesia católica a la Luz del Derecho Internacional Vigente. In *Matrimonio, Educación y Paz en Colombia* (Secretariado permanente del Episcopado Colombiano, Sección de Universidades, Bogotá, 1988).

Derechos humanos ... pero también deberes. 11 *Ciencia Política* (Bogotá, 1988).

La Democracia como Marco del Sistema Interamericano de Derechos Humanos. *Revista IIDH*, special issue (San José, May 1989).

Jurisprudencia de la Corte Interamericana de Derechos Humanos. In *La Convención Interamericana de Derechos Humanos, 9 cuadernos de la Facultad de Derecho y Ciencias Sociales*, Second Series (Montevideo, 1989).

Los Intringulis de la Constituyente. *Credencial* (Bogotá, November 1990).

La Actualidad de Intermediación en el Negocio de Seguros. In *Fasecolda, Memorias de la Segunda Convención Nacional de Seguros*, 3-5 October 1990, Cartagena (Bogotá, 1989).

Democracia y Derechos humanos. 11 *Papel Político* (Bogotá, December 1990).

Democracia y Bien Común como Marco para los Derechos Humanos. 12 *Revista IIDH* (San José, July-November 1990).

Derechos humanos en la Constitución Colombiana de 1991. In *Constitución y libertad* (Desarrollo Humano e Integral (DHIAC), Mexico, 1991).

Los Títulos Valores según el Derecho incorporado y la Ley de Circulación. In *Títulos Valor* (Bolsade, Bogotá, SA, June 1991).

Concordato y Constitución, 28 *Revista Futuro Colombiano* (Bogotá, April-June 1993).

Los Casos contra Honduras en la Corte Interamericana de Derechos Humanos. 84/86 *Boletim da Sociedade Brasileira de Direito International* (Brasilia).

Comentarios sobre las Libertades y algunos Derechos Humanos contemplados en la nueva Constitución Colombiana. Ed. Juan Carlos Castro Lorie, *Homenaje al Profesor Eduardo Ortiz Ortiz* (Colegio Santo Tomás de Aquino, Universidad Autónoma de Centroamérica, San José, 1994).

La Corte Interamericana de Derechos Humanos. Ed. Rodolfo Cerdas Cruz y Rafael Nieto Loaiza, *Estudios Básicos de Derechos Humanos I* (IIDH/Commission of the European Union, San José, 1994).

Las Medidas provisionales en la Corte Interamericana de Derechos Humanos: Teoría y Praxis. Ed. R. Nieto, *La Corte y el Sistema Interamericanos de Derechos Humanos* (San José, 1994).

Prólogo. Ed. Mario Alejandro Quintero y Federico Andrés Torres, *Colombia y el Derecho Internacional de los Derechos Humanos*, vol. I (Universidad Externado de Colombia, Centro de Investigaciones y Proyectos Especiales, Bogotá, 1994).

La Función Judicial Internacional. 19 *Revista IIDH* (San José, January-June 1994).

Aplicación por la Corte Interamericana de Derechos Humanos de las Normas de la Convención de Viena sobre el Derecho de los Tratados sobre Interpretación en diversos Idiomas. In *The Modern World of Human Rights, Essays in Honour of Thomas Buergenthal* (IIDH, San José, 1996).

Un Problema Puntual de la Constitución Colombiana: Los Derechos a la Igualidad y a la Propiedad y la Expropiación sin Indemnización. In *Amicorum Liber Héctor Gros Espiell, Personne Humaine et Droit International*, vol. I (Bruylant, Bruxelles, 1997).

Jurisprudencia en Materia de Delimitación Marítima. In *Liber Amicorum In Memoriam of Judge José María Ruda* (Kluwer, Netherlands, 2000).

(with Barbara Roche) The Ambit of Powers under Article 25 of the ICTY Statute: Three Issues of recent Interest. In R. May et al., *Essays on ICTY Procedure and Evidence in Honour of Gabrielle Kirk McDonald* (Kluwer, Great Britain, 2001).

Forthcoming

Introductory Note [to the ICTY Jurisprudence]. In *II The Global Community* (Giuliana Ziccardi Capaldo et al., eds.).

International Peremptory Norms (*Jus Cogens*) and International Humanitarian Law. In *Liber Amicorum Judge Antonio Cassese* (Lal Chan Vohrah et al., eds.).

Monographs published in *Revista Universitas*, Faculty of Law, Javeriana University (Bogotá)

Población y Territorio de Colombia en Comparación con los Demás Países del Mundo, No. 17, December 1959.

Evaluación de la Alianza para el Progreso, No. 22, July 1962.

De la Socialización en la Alianza para el Progreso y otras Observaciones, No. 24, June 1963.

Observaciones sobre el Problema Chino-soviético, No. 25, November 1963.

El Reconocimiento de los Gobiernos de Hecho, No. 27, November 1964.

Del Derecho Internacional Aéreo al Ultraéreo, No. 31, November 1966.

La Concepción Soviética del Derecho Internacional, No. 33, November 1967.

Acuerdo de Integración Subregional del Grupo Andino, su Caracterización y Algunos Aspectos Jurídicos y Estructurales, No. 38, June 1970.

De la Nulidad de los Tratados por Violación del Derecho Interno de los Estados en la Convención de Viena de 1969, No. 43, November 1972.

Las Reservas a los Tratados Multilaterales en la Convención de Viena de 1969, No. 46, June 1974.

La Subjetividad Internacional de la Iglesia católica, No. 49, November 1975.

El Derecho Imperativo (*Jus Cogens*) a la Luz de la Convención de Viena sobre el Derecho de los Tratados de 1969, No. 52, June 1977.

Apuntes para un Estudio sobre "El Libro Blanco de Nicaragua sobre el Archipiélago de San Andrés y Providencia", No. 61, December 1981.

Análisis Histórico, Jurídico y Político del Conflicto de las Malvinas, No. 63, November 1982.

El Sistema Interamericano de Derechos Humanos, No. 65, November 1983.

La Política Internacional Colombiana, No. 66, May 1984.

La Jurisprudencia de la Corte Interamericana de Derechos Humanos, No. 67, November 1984. (Reproduced in *Revista IIDH*, San José, No. 1, January-June 1985.)

¿Soberanía en la Órbita Geoestacionaria? Una Propuesta Alternativa, No. 69, November 1985.

La Constitución Colombiana y los Tratados Internacionales, No. 71, November 1986.

La Ley, la Justicia y la Guerra en Santo Tomás de Aquino, No. 73, November 1987.

Realidad de los Derechos Humanos en América Latina, No. 75, November 1988.

Derecho Natural y de Gentes in la Escolástica Tardía Española, No. 78, June 1990.

Democracia, Elecciones y Derechos Humanos No. 81, November 1991. (Reproduced in *Constitución y Libertad* (DHIAC, Mexico, 1991), and in VI *Boletín Electoral Latinoamericano*, IIDH-CAPEL, July-December 1991.)

Teólogos y Filósofos Salmantinos y los Derechos Humanos de los Naturales, No. 82, June 1992. (Reproduced in *Revista IIDH* (San José), No. 15, January-June 1992.)

Aplicación por la Corte Interamericana de Derechos Humanos de las Normas de la Convención de Viena sobre el Derecho de los Tratados sobre Interpretación de Convenios en Diversos Idiomas, No. 88, June 1995.

Los Estados de Excepción y la Constitución Colombiana de 1991, No. 91, December 1996.

In addition, *Revista Javeriana* (Bogotá) and *Revista del Centro de Estudios Colombianos* (Bogotá) contain many monographs and lectures published between 1960 and 1990.

Associations

Institut de Droit International (associate member).

Academia de Historia de Bogotá (académico de número).

American Society of International Law.

Centro de Estudios Colombianos.

Colegio de Abogados Javerianos.

Hispano-Luso-American Institute of International Law.

Sociedad Colombiana de Derecho Internacional.

Decorations

Grand Cross of the Order of San Carlos (Ministry of Foreign Affairs of Colombia).

Order of Francisco de Miranda (Republic of Venezuela).

Commander of the Order of San Silvestre Papa (Holy See).

Knight of the Order of the Javeriana University (Bogotá).

* * *

Bogotá, 14 November 2002

The undersigned members of the Colombian National Group of the Permanent Court of Arbitration have the honour hereby to nominate Judge Rafael Nieto-Navia, who is also a member of the Group, as the candidate of Colombia for election as a judge to the International Criminal Court. This candidacy is also supported by the fourth member of the Group, Dr. Rafael Rivas Posada, who is unable to sign this communication as he is currently out of the country.

(*Signed*) Fernando **Hinestrosa**

(*Signed*) Carlos **Restrepo Piedrahita**

...

Bogotá, 19 November 2002

In my capacity as representative of the Colombian National Group to the Permanent Court of Arbitration in The Hague, allow me to express our support for the candidacy of Mr. Rafael Nieto Navia, an eminent legal expert with vast, effective personal experience in the area of international justice, for a seat on the International Criminal Court.

(*Signed*) Carlos **Restrepo Piedrahita**

27. Nsereko, Daniel David Ntanda (Uganda)

[Original: English/French]

Note verbale

The Permanent Mission of the Republic of Uganda to the United Nations presents its compliments to the Secretary-General of the United Nations and wishes to forward the curriculum vitae of candidature of the Republic of Uganda, Professor Daniel David Ntanda Nsereko, for the post of judge of the International Criminal Court, at the election to be held at the adjourned meetings of the States Parties to the Treaty in January 2003. Prof. Nsereko is in list B of the nomination list.

...

Uganda is party to the Rome Statute and fully subscribes to the cardinal aim of the International Criminal Court of bringing to justice the perpetrators of the most serious crimes of international concern and to end impunity.

The Government of the Republic of Uganda supports the International Criminal Court, as evidenced by our active participation in the Preparatory Commissions and the Rome Diplomatic Conference, our early ratification of the Statute as well as our active participation in the Assembly of States Parties.

It is noted that no Ugandan has ever served on an international adjudicatory body.

Professor Daniel D. N. Nsereko fulfils the requirements of paragraph 3 of article 36 of the Rome Statute in that:

(a) He possesses a reputation of high moral character, impartiality and integrity, and as an Advocate of the High Court of Uganda with over 20 years' standing, he qualifies for appointment to the highest judicial offices;

(b) He possesses established competence in criminal law and procedure, having acted as defence counsel in many criminal cases in the courts of Uganda, conducted research and published books and numerous scholarly articles in internationally reputable journals on criminal law and procedure and evidence and for many years taught the relevant subjects to law students at university levels;

(c) He possesses established and internationally acknowledged competence in international law in general and especially in international criminal law, international humanitarian law and the law of human rights, as evidenced by his professional activities, numerous scholarly publications in internationally reputable works and by his many years of university teaching in these subjects; and

(d) He has an excellent knowledge of and is fluent in English, a working language of the Court, as evidenced by the fact that he took all his formal and higher education in that language and has published scholarly works in the same language.

Professor Nsereko enjoys the highest reputation for fairness, integrity and competence and is internationally recognized for his expertise in the fields of international law, international criminal law and criminal law and procedure, human rights and humanitarian law. This is fully attested to by his curriculum vitae, which will be forwarded to you by post. We are convinced that when elected he will make a substantial contribution to the work of the Court.

...

Statement of qualifications

Professor Nsereko, a scholar and practitioner, is currently Professor of Law at the University of Botswana and legal consultant with the Uganda law firm of Sendege, Senyondo & Co. He received his legal education in East Africa and in the United States of America. He earned his Bachelor of Laws (LLB) degree from the University of East Africa at Dar es Salaam, Master of Comparative Jurisprudence (M.C.J.) degree from Howard University in Washington, D.C., Master of Laws (LLM) and Doctor of Juridical Science (J.S.D.) degrees from New York University in New York. He also obtained a Certificate in International Law from the Hague Academy of International Law. An Advocate of the High Court of Uganda, he has carried on an active law practice in Kampala. His practice has included both civil and criminal litigation before superior and subordinate courts. As part of his practice he has written opinions on complex legal issues for, among other clients, the International Criminal Tribunal for Rwanda.

He previously taught law at Makerere University in Uganda. Joining the University of Botswana in 1984, he served as the Head of its Law Department between 1984 and 1993. Between 1993 and 1994, he served as the Walter S. Owen Visiting Professor of Law at the Faculty of Law of the University of British Columbia in Vancouver, Canada. While at the University of British Columbia, he also served as Senior Associate of the International Centre for Criminal Law Reform and Criminal Justice Policy. In 1995, he was a Visiting Scholar at the Max Planck Institute for Foreign and International Law, Freiburg, Germany. He has also lectured at the University of Cape Town, South Africa, the University of Salzburg, Austria, and the University of Teramo, Italy.

Professor Nsereko is a noted scholar of international law, international criminal law, and criminal law and procedure, human rights and humanitarian law. He has published extensively in these areas in books and internationally refereed journals. He also serves on the editorial boards of a number of international journals, such as the *Criminal Law Forum*, *Journal of Church and State* and *Violence, Aggression and Terrorism*.

In September 2002, he served on the Uganda Government delegation to the first session of the Assembly of States Parties in New York. Between 1995 and 2002, he actively participated as an expert in most of the sessions of the Preparatory Commission and the Rome Diplomatic Conference of Plenipotentiaries as part of the NGO Coalition for the International Criminal Court. He has also served on several Amnesty International missions to investigate alleged violations of human rights and humanitarian law and to act as a trial observer. He has also served as an expert consultant to the United Nations Centre for International Crime Prevention (formerly the Crime Prevention and Criminal Justice Branch) and to several United Nations Congresses on the Prevention of Crime and the Treatment of Offenders.

In 1982, he was a Fellow at the Institute of International Law and International Relations Research of the Hague Academy of International Law. In 1996, the

International Society for the Reform of Criminal Law awarded him a Medal in recognition of his contribution to international human rights and criminal law reform.

* * *

Date of birth: 27 November 1941.

Gender: male.

Education

1973-1975	Doctor of Juridical Science (J.S.D.), New York University School of Law, New York.
1971	Master of Laws (LLM), New York University School of Law.
1970	Master of Comparative Jurisprudence (M.C.J.), Howard University School of Law, Washington, D.C.
1968	Bachelor of Laws (LLB), University of East Africa, Dar es Salaam.

Professional activities

Law practice

1972-present	After serving his pupillage with the law firm of Kiwanuka & Co., Advocates (1968), he was enrolled and admitted as an Advocate of the High Court of Uganda in 1972. He practised law at divers times on a part-time basis with the Kampala law firm of Sendege & Co., Advocates and on a full-time basis as a solo practitioner (1976-1982). He represented clients in both civil and criminal cases in the subordinate and superior courts of Uganda. Some of the cases that he appeared in resulted in precedent-setting decisions. He also performed non-litigious tasks in such areas as company practice, conveyancing, trademark registration and arbitration. Currently he is associated with the firm of Sendege, Senyondo & Co., Advocates and Solicitors, as Consultant.

Trial observer

1996	Served as Amnesty International trial observer to Ethiopia; duties included observing a criminal trial of over 50 defendants of the former Government of Ethiopia charged with genocide and crimes against humanity; writing a comprehensive confidential report on the trial in the context of international human rights standards.
1990	Served as Amnesty International trial observer to Swaziland; duties included observing a criminal trial of about 10 defendants charged with offences of a political character; writing a comprehensive confidential report in the context of international human rights standards.

Special missions

1998	Served as head of an Amnesty International delegation to Lesotho to investigate allegations of human rights and humanitarian law violations following the South African and Botswana military intervention into that country.
1991	Served on a two-person Amnesty International human rights mission to Swaziland. Had audience with the Prime Minister, Minister of Justice and other high-ranking government and civic officials. He was responsible for writing the mission's report, which Amnesty described as "excellent, clear and interesting".

Expert/Consultant/Delegate

2002	Served as member of the Uganda Government delegation to the first session of the Assembly of States Parties to the Statute of the International Criminal Court, New York, 3-11 September 2002.
2002	Participated as an expert at the ninth session of the Preparatory Commission for the International Criminal Court, New York, 8-19 April 2002 as part of the NGO Coalition for the International Criminal Court and served as co-leader of the Coalition's team on the Crime of Aggression.
2001	Participated as an expert at the eighth session of the Preparatory Commission for the International Criminal Court, New York, 24 September-5 October 2001 as part of the NGO Coalition for the International Criminal Court and served as co-leader of the Coalition's team on the Crime of Aggression.
2000	Participated as an expert at the fifth, sixth and seventh sessions (June/July and December 2000) of the Preparatory Commission for the International Criminal Court as a member of the NGO Coalition for the International Criminal Court.
1999	Acted as an expert consultant to the International Criminal Tribunal for Rwanda: wrote a legal opinion for the Tribunal on some complex legal issues in a case before the Tribunal.
1998	Participated as an expert in the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on the invitation of the NGO Coalition for the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998.
1997	Participated as an expert in the August and December meetings of the Preparatory Committee on the Establishment of an International Criminal Court at New York as a member of the NGO Coalition for the Establishment of an International Criminal Court.
1995	Participated in and was elected rapporteur for an expert group meeting on "Victims of Crime and Abuse of Power in the International Setting", convened by the United Nations Crime Prevention and Criminal Justice Branch at Vienna. The Committee

	drew up a comprehensive plan of action for the prevention of victimization, protection and assistance for victims of crime and abuse of power, in pursuance of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
1995	Served on the Committee of Experts to review and propose amendments to the Draft Statute of the International Criminal Court, set up by the Association Internationale de Droit Penale and the Max Planck Institute for Foreign and International Penal Law.
1985	Served as expert consultant for the United Nations on a project on the preparation for plans for reform of the criminal justice system of Namibia, Rome.
1985	Served as expert consultant for United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, at Caracas (1980) and at Milan, Italy (1985), and at regional and interregional preparatory meetings at Lusaka (1975), Addis Ababa (1978) and The Hague (1980).
1984	Served as expert consultant for the Crime Prevention and Criminal Justice Branch of the United Nations Centre for Social Development and Humanitarian Affairs and actively participated in the drafting of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
1983	Social Affairs Officer, United Nations Centre for Development and Humanitarian Affairs, New York, New York.

Resource person/Guest lecturer

2002	Presented a paper on "The Definition of the Crime of Aggression: Challenge facing the Assembly of States Parties" to the International Conference on 'The International Criminal Court: Some Questions and Answers from the Arab Region" at Cairo, 9-11 May 2002.
2002	Served as guest lecturer to LLM students of the Law Department, Universita degli Studi di Teramo, Italy, 25 February-1 March 2002. Delivered lectures on the status of the individual under international law, the use of force under the Charter of the United Nations, and on the crimes of genocide and aggression.
2001	Served as guest lecturer to LLM students of the Faculty of Law, University of Cape Town, South Africa, August 2001. Delivered lectures on the crimes of aggression and genocide.
2000	Served as resource person at a Workshop for Women of Africa on Gender Justice and the International Criminal Court, organized by the Women's Caucus for Gender Justice in collaboration with the Law, Race and Gender Research Unit of the University of Cape Town, 24-26 August 2000.

2000	Served as guest lecturer at the Salzburg School of International Criminal Law, Salzburg, Austria, August 2000. Delivered lectures on the crimes of aggression and genocide as well as on the International Criminal Tribunal for Rwanda.
1999	Served as Scientific Director for the Gaborone School for International Criminal Jurisdictions (October 1999).
1999	Served as guest lecturer at the Salzburg School of International Law. Delivered lectures on the crime of genocide.
1999	Served as resource person at a Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) training course for police trainers organized by the United Nations High Commissioner for Human Rights, at Gaborone.

Memberships

1972-present	Member of the Uganda Law Society.
1975-1980	Member of the Law Council (Executive Committee) of the Uganda Law Society.
1988-present	Member of the Board of the International Society for the Reform of Criminal Law.
1990-present	Member of the Editorial Board of the *Criminal Law Forum: an International Journal*.
1986-1990	Member of the Editorial Board of the Journal *Violence, Aggression and Terrorism*.
1985-present	Member of the Editorial Council of the journal *Church and State*.
1975-1980	Member of the Executive Committee of the Uganda Red Cross Society.

Academic activities

University teaching

1984-2002	Professor of Law (initially Senior Lecturer), University of Botswana. Courses taught include Public International Law, Criminal Procedure, Evidence, Constitutional Law, Human Rights, Administrative Law and Legal Ethics.
1993-1994	Walter S. Owen Professor of Law, University of British Columbia, Vancouver, Canada. Course taught: International Law of Human Rights.
1971-1978	Senior Lecturer in Law (initially Lecturer), Makerere University, Uganda. Courses taught included Public International Law, Criminal Procedure, Civil Procedure, Evidence, Family Law and Law of Business Associations.

Academic leadership

1985-1993	Served as Head, Department of Law, University of Botswana. Responsible for the coordination of courses and programmes offered; the development of proposals for revision and improvement of programmes; promotion of research; implementation of academic policy; preparation of the departmental budget; quality, performance and recruitment of staff; advising university management of academic personnel; welfare and progress of students, etc. Also served on or chaired many university committees, including disciplinary committees, including those that handled charges of sexual harassment.

External examiner

(As external examiner, acts as "watchdog" for the appointing universities over academic standards; approves examinations; checks examination scripts; and examines theses and dissertations.)

1998-2002	University of Dar es Salaam.
1993	University of Swaziland, Kwaluseni.
1992-1993	National University of Lesotho, Roma.
1991-1993	University of Zambia, Lusaka.
1987-1990	University of Nairobi.

External assessor

2000	Served as external assessor for the University of Dar es Salaam: read and wrote detailed assessments of publications of candidates for promotion to the rank of Associate Professor and full Professor.
1994	Served as external assessor for the University of Lagos, Akoka, Yaba, Nigeria; read and wrote detailed assessment of the publications for the candidate for promotion to the rank of Associate Professor.

Journal refereeing

2001	Refereed article submitted to the *Melbourne Journal of International Law* and advised on its publishable quality.

Publications

Books

"Constitutional Law in Botswana", in *International Encyclopaedia of Laws* (Kluwer International Publishers, Deventer, The Netherlands. 2002). Republished by Pula Press, Gaborone, 2002. 323 pages.

Criminal Procedure in Botswana: Cases and Materials (3rd ed.) (Pula Press, Gaborone. 2002). 506 pages.

"Criminal Law and Procedure in Uganda", in *International Encyclopaedia of Laws*, Prof. Dr. L. Dupont and Prof. Dr. C. Fijnaut of Leuven University (eds.) (Kluwer Law International Publishers, Deventer, The Netherlands. 1996). 329 pages.

Eddembe Lyaffe (a treatise written in the Luganda language, literally meaning "Our Rights"; it discusses various aspects of human rights and has four appendices which are translations of key United Nations human rights instruments) (Nabinene Emporium Ltd., P.O. Box 3675 Kampala, Uganda. 1995). Published with the assistance of the Danish Agency for International Development (DANIDA). 201 pages.

English — Luganda Law Dictionary (University of Botswana. 1993). (Indexed in *The African Book Publishing Record*, West Sussex, United Kingdom, 1994.) 149 pages.

Antigone: a Greek Play by Sophocles (a translation into the Luganda language). (Marianum Press, Kampala, 1989.) 63 pages.

Mimeographs

"The International Protection of Refugees", Doctoral dissertation submitted to New York University School of Law, 1975. 379 pages.

Police Powers and the Rights of the Individual in Uganda (Makerere University, Kampala, 1973). 134 pages.

Chapters in books

"Preliminary Matters: the Indictment", in Andre Klip and Goran Sluiter (eds.), *Annotated Leading Cases of International Criminal Tribunals*, vol. IV (Intersentia, Antwerp, Belgium, 2002). pp. 58-68.

"Social Change and Organised Crime in Southern Africa", in Apollo Rwomire (ed.), *Social Problems in Africa* (Praeger, Westport, CT., United States, 2001). pp. 209-228.

"The African Great Lakes Region and the International Criminal Tribunal for Rwanda", in Elsa (eds.), *International Law as we Enter the 21st Century* (Berlin, Arno Spitz, 2001). pp. 73-85.

"The Implementation of the ICC Statute within the Southern African Community (SADC)", in Claus Kress and Flavia Lattanzi (eds.), *The Rome Statute and Domestic Legal Orders. Volume I: General Aspects and Constitutional Issues* (Nomos, Baden-Baden, Germany, 2000). pp. 169-182.

"Preliminary Rulings Regarding Admissibility", in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Nomos, Baden-Baden, Germany, 1999). pp. 395-404.

"Genocide: A Crime Against Mankind", in Gabrielle Kirk McDonald and Olivia Swaak-Goldman (eds.), *The Law and Enforcement of International Offences — The Experience of International and National Courts* (Kluwer Law International, The Hague, Netherlands, 1999). pp. 113-140.

"Controlling Executive Power in Southern Africa: the Role of the Courts and Administrative Tribunals", in Hugh Corder and Tiyanjana Maluwa (eds.), *Administrative Justice in Southern Africa* (University of Cape Town, 1997). pp. 95-116.

"Reparations in the Criminal Law: the Case of Uganda", in Albin Eser and Susanne Walther *Wiedergutmachung im Strafrecht: Internationale Perspektiven* (Edition iuserim, Max-Planck Institute for Foreign and International Criminal Law, Freiburg, Germany, 1997). pp. 319-354.

"Issues of Implementation and Co-ordination", with Roger Clark, in Yael Danieli, Nigel Rodley and Lars Weisaeth (eds.), *International Responses to Traumatic Stress* (Baywood, Amityville, N.Y., 1995). pp. 425-437.

"Victims of Crime and their Rights", in T. M. Mushanga (ed.), *Criminology in Africa* (United Nations International Crime and Justice Research Institute, Rome, 1992). pp. 21-42.

"The Rights of Children in Botswana", in *The Rights of the Child* (Initiative Ltd., Nairobi, 1989). pp. 25-31.

"Human Rights: A Legal Perspective", in D. Rubadiri (ed.), *Human Rights and You*, D. Rubadiri (ed.) (Macmillan Botswana Ltd., 1989). pp. 11-16.

"Arbitrary Deprivation of Life: Controls on Permissible Deprivations", in B. G. Ramcharan (ed.), *The Right to Life in International Law* (Martinus Nijhoff Publishers, The Netherlands, 1985). pp. 245-283.

Book review

Review of D. Dyzenhaus, *Hard Cases in Wicked Legal Systems: South African Law in the Perspective of Legal Philosophy* (Oxford, Clarendon Press, 1991). 28 *Canadian Journal of African Studies* 150-3 (1994).

Articles in refereed journals

"Bringing Aggressors to Justice: Aggression Under the Rome Statute of the International Criminal Court", 71 *Nordic Journal of International Law* (Issue No. 3, 2002).

"The Ethical Obligations of Counsel in Criminal Proceedings: Representing an Unwilling Client", 12 *Criminal Law Forum: An International Journal* 487-507 (2001).

"Genocidal Conflict and the International Criminal Tribunal for Rwanda", 48 *Netherlands International Law Review* 31-65 (2001).

"Minimum Sentences and their Effect on Judicial Discretion", 31 *Crime, Law and Social Change: An International Journal* 363-384 (1999).

"Crime Prevention in Southern Africa: A Legal Perspective", 32 *The Comparative and International Law Journal of Southern Africa* 247-265 (1999).

"The International Criminal Court: Jurisdictional and Related Issues", 10 *Criminal Law Forum: an International Journal* 87-120 (1999).

"Police Informers and Agents Provocateurs: Accomplices or Handmaidens of the Law? Perspectives from the Courts of Eastern and Southern Africa", 9 *Criminal Law Forum: an International Journal* 151-169 (1998/99).

"Indigenous Justice Systems: An Eastern African Perspective", 24 *Indian Socio-Legal Journal* 23-30 (1998).

"When Crime Crosses Borders: A Southern African Perspective", 41 *Journal of African Law* 192-200 (1997) (University of London).

"Witchcraft as a Criminal Defence, From Uganda to Canada and Back", 24 *Manitoba Law Journal* 38-59 (1996) (University of Manitoba).

"Rules of Procedure and Evidence of the International Tribunal for the Former Yugoslavia", 5 *Criminal Law Forum: an International Journal* 507-555 (1994). Reprinted as a chapter in Roger Clark and Madeleine Sann (eds.), *The Prosecution of International Crimes* (Transaction Publisher, Rutgers — The State University of New Jersey, New Brunswick, N.J., 1996). pp. 293-341.

"Victims of Abuse of Power, with Special Reference to Africa", 28 *University of British Columbia Law Review* 171-192 (1994). Reprinted in 60 *The Review of the International Commission of Jurists* 199-219 (1998).

"The Poisoned Tree: Responses to Involuntary Confessions in Criminal Proceedings in Botswana, Zambia, and Uganda", 5 *African Journal of International & Comparative Law* 609-633 (1993) (London). Reprinted as a chapter in M. Cherif Bassiouni and Ziyad Motala (eds.), *The Protection of Human Rights in African Criminal Proceedings* (Martinus Nijhoff Publishers, Dordrecht, The Netherlands. 1995). pp. 83-102.

"The Police, Human Rights, and the Constitution: An African Perspective", 15 *Human Rights Quarterly* 465-484 (1993) (Johns Hopkins University Press). This article was abstracted in the 1994 *International Political Science Abstracts*.

"Religious Liberty and the Law in Botswana Today", 34 *Journal of Church and State* 843-862 (1992) (Baylor University).

"La religion et la Loi au Botswana aujourd'hui", 43 *Conscience et Liberté* 89-93 (1992) (Bern).

"Extenuating Circumstances in Capital Offences in Botswana", 2 *Criminal Law Forum: an International Journal* 235-268 (1991).

"Compensating the Victims of Crime in Botswana", 33 *Journal of African Law* 157-171 (1989) (University of London).

"The Right to Legal Representation in Botswana", (1988) *Israel Yearbook on Human Rights* 211-227 (Tel Aviv University).

"Religion, the Law and the State in Africa", 28 *Journal of Church and State* 268-287 (1986) (Baylor University).

"The Right to Return Home in International Law", 21 *Indian Journal of International Law* 335-351 (1981).

"The Nature and Function of Marriage Gifts in Customary African Marriages", 23 *American Journal of Comparative Law* 682-704 (1975) (University of California).

"The Consul as a Defendant: His Amenability to the Jurisdiction of the Receiving State", 15 *Indian Journal of International Law* 333-350 (1975).

"The International Court, Impartiality and Judges Ad Hoc", 13 *Indian Journal of International Law* 207-230 (1973). This article was included in J. C. Merrills, *A Current Bibliography of International Law* (Butterworths, London, 1978) p. 188.

"The Tanzania Nationalisation Laws", 3 *Eastern African Law Review* 1-23 (1970) (The University of Dar es Salaam).

A selection of other papers

"Treatment of Prisoners and the International Law of Human Rights", paper presented at the Seminar for Heads of Penitentiary Institutions of African Countries, Harare, 23 February-5 March 1988.

"The Death Penalty in Botswana", paper presented at the "Reform of the Criminal Law" Conference, Inns of Court, London, 26-29 July 1987. (Cited by Roger Hood in *The Death Penalty* (Oxford University Press, Oxford 1989.))

"The Prisoner and Human Rights", in Frimpong, K. (ed.), *The Law, The Convict And The Prisons* (mimeograph), University of Botswana, Gaborone, 1987. pp. 210-224.

"Capital Punishment in Botswana", with M. J. A. Glickman, in United Nations, *Crime and Criminal Justice Newsletter*, 12 and 13 (November 1986), p. 51.

"A Magna Carta for Victims of Crime", in *Departmental Seminar Papers*, vol. I (1985/86).

"Christianity and Human Rights", paper presented at a workshop organized by the Department of Theology and Religious Studies, University of Botswana, 1985.

"Group Victims of Crime and Other Illegal Acts Linked to the Abuse of Public Power with Special Reference to Africa", paper prepared for the Crime Prevention and Criminal Justice Branch of the United Nations Centre for Social Development and Humanitarian Affairs, New York, 1983. Cited in the working paper prepared by the United Nations Secretariat for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, Italy. Document A/CONF.121/6, 1 August 1985.

"The Church in an Emerging Legal System: The Case of Uganda", paper presented at the International Christian Lawyers' Conference, Geneva, 1981.

"Torture: A Crime Against Human Dignity", article published in *The Exposure* magazine, Kampala, 1980.

Forthcoming publications

"Defining the Crime of Aggression: An Important Agenda Item for the Assembly of States Parties to the Rome Statute of the International Criminal Court." The article will appear in a 2003 special issue of *Acta Juridica Journal*, University of Cape Town.

"Preliminary Matters: Jurisdiction", in Andre Klip and Goran Sluiter (eds.), *Annotated Cases of International Criminal Tribunals*, vol. VI (Intersentia, Antwerp, Belgium, 2003).

"The Abuse of Process Doctrine and Human Rights in the Administration of Criminal Justice in Southern Africa."

With Zein Kebonang, "The SADC Draft Treaty on Corruption: The Region's Response to an ever-escalating Scourge".

With Dr. Kholisani Solo, *Legal Ethics in Botswana: Cases and Materials*.

With Prof. Mpho G. Molomo, "Land in International Relations: the *Sedudu Case* (Botswana v. Namibia)".

Awards

1996	Awarded a medal by the International Society for the Reform of Criminal Law, at Vancouver, Canada, in recognition of his contribution to international human rights and to criminal law reform.
1995	Visiting Scholar, Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany.
1982	Fellow, Institute of International Law and International Relations Research, Hague Academy of International Law.

28. Odio Benito, Elizabeth (Costa Rica)*

[Original: Spanish]

Note verbale

The people and Government of Panama are proud of a long tradition of fighting for human rights and fundamental freedoms. In 1944, in San Francisco, California, we were part of a group of mainly Latin American countries which supported the idea of drafting a Charter of the United Nations that would include a very clear and definite international commitment to the promotion and protection of human rights. And since those days, we have joined with those throughout the world who strive for peace, security, justice and equality for all human beings without distinction.

In Rome, in 1998, we contributed with great enthusiasm and conviction to the adoption of the Statute of the International Criminal Court, a goal for which the international community had yearned for over 50 years.

By that time, the experience of two ad hoc international tribunals established by the United Nations to try war crimes (Yugoslavia) and genocide (Rwanda) had demonstrated the enormous importance of justice in achieving peace. In both Tribunals, capable, independent and objective judges and magistrates have picked up on the jurisprudence of Nuremberg and Tokyo from the years just after the Second World War and judged with impartiality and competence those responsible for the horrendous crimes against humanity committed during the war in the Balkans and in Rwanda.

Among the first 11 judges elected in 1993 by the United Nations General Assembly as a member of the Tribunal for Yugoslavia was the distinguished Latin American jurist Elizabeth Odio Benito. Despite the importance attached in the Security Council decision to establish this Tribunal to investigate the horrific crimes committed against women during the war in the Balkans, only two women judges were elected.

The work of Ms. Odio Benito during her five years on this Tribunal, which will be described in detail in the attached statement, contributed significantly to the decision, when the Rome Statute of the International Criminal Court was being discussed and adopted, to categorize crimes committed against women in the context of armed conflict as international crimes. Furthermore, it was expressly stated in the Rome Statute that when electing judges to the International Criminal Court, there was a need for equal representation of women and men and to include judges with experience in the specific area of violence against women and children.

In accordance with the decision of the Assembly of States Parties to the Rome Statute of the International Criminal Court adopted 9 September 2002, the period for submission of candidacies for the election of judges to the Court was opened, in conformity with article 36 of that Statute and the resolutions of the Assembly of States Parties on procedures for the submission of candidates and the election of judges and prosecutors (note by the Secretary-General dated 13 September).

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* Nominated by Panama.

The Government of the Republic of Panama, headed by Mrs. Mireya Moscoso, even before the official opening of the period for submission of candidacies, has received communications and requests from various institutions and organizations in the area of international human rights law and international humanitarian law to submit the candidacy of Ms. Elizabeth Odio Benito, a national of Costa Rica, for the position of judge of the International Criminal Court.

The high moral and professional qualifications of Ms. Odio Benito, her well-known integrity, impartiality and prestige, added to my Government's decision to help to facilitate the submission of candidacies of exceptionally qualified women to the Assembly of States Parties for the posts of international judge, determined that, in accordance with the authorization contained in article 36, paragraph 4, of the Statute of the International Criminal Court, the name of Elizabeth Odio Benito would be brought to the attention of the national group of the Permanent Court of Arbitration, in order to follow the procedure laid out in article 36, paragraph 4, in agreement with article 4, paragraph 1, of the Statute of the International Court of Justice.

The national group of arbitrators was informed of the requests made to the Government of Panama, among others, by the Inter-American Institute of Human Rights, the most important and prestigious of the academic organizations of the inter-American system dedicated to the promotion and protection of human rights. It was also made aware of the requests of representatives of academia, jurists, activists and politicians, coming from various countries of Latin America, North America and Europe, supporting the nomination of Ms. Odio Benito. After an objective evaluation of her attestations, qualifications and recommendations, the national group agreed to recommend to my Government to submit the candidacy of Elizabeth Odio Benito as a judge of the International Criminal Court.

...

Statement of qualifications

1. Paragraph 3 (a)

Ms. Odio Benito has held relevant positions in the Government of Costa Rica. She served as Attorney-General of the Republic and was Minister of Justice on two occasions. During the constitutional term from 1998 to 2002 she was elected Second Vice-President of the Republic, and in that capacity, on many occasions she performed the duties of the Presidency of Costa Rica in the temporary absence of President Rodriguez Echevarria. In the latest period, in addition, she acted as Minister of the Environment and Energy.

For over 25 years she taught at the university level in the Faculty of Law of the University of Costa Rica, the oldest and most prestigious of that country's universities, of which she was also Vice-Rector. She is a department head and Professor Emerita in recognition of her academic merit and her distinguished university career.

She has been a visiting professor at various European universities and recently received an invitation to give lectures at Columbia University, New York, next year.

Both within her country and abroad, in Central, North and South America, Europe, and some African and Asian countries, Ms. Odio Benito has a solid reputation for her personal qualities of integrity, honesty, professional competence and clear commitment to the causes of peace, human rights and international justice.

Because she was amply qualified, through her moral and professional qualities, to be nominated to the highest judicial offices in her country, Costa Rica nominated her in 1993 for the office of judge of the ad hoc International Tribunal for the Former Yugoslavia. The United Nations General Assembly elected her to that office in September 1993.

2. Paragraph 3 (b)

Ms. Odio Benito was a judge of the International Criminal Tribunal for the Former Yugoslavia (ICTY) from November 1993 to November 1998. During the first two years (1993-1995) she was its first Vice-President.

The difficulties of all types which the first 11 judges of the ICTY had to confront and overcome to enable the Tribunal to fulfil its mandate are well known in the United Nations and among academics and politicians worldwide.

To begin with, apart from purely administrative concerns, they had to draft the rules of procedure and evidence for the proper functioning of the trials, in accordance with the Statute governing the ICTY. Ms. Odio Benito participated very actively in this task, which was essential for the credibility of the Tribunal. As a result of her work with the judge from the United States of America, Gabrielle Kirk McDonald, rule 96 was introduced into the Rules of Procedure and Evidence (Evidence in cases of sexual assault) which was a determining factor in the jurisprudence which the Tribunal later established in respect of crimes of a sexual nature committed against women during armed conflict. Similarly, she worked to include rules for the protection of victims and witnesses in the Regulations and to make them compatible with the rights of the accused.

In her activities as a judge and member of the various Trial Chambers of the ICTY, Ms. Odio Benito made an outstanding contribution to the following cases, among others:

- The first formal charges issued by the Tribunal for grave breaches of the laws or customs of war and crimes against humanity. This took place in November 1994 (it should be recalled that the Tribunal had been without a General Prosecutor until July 1994); the accused was Dragan Nikolić, later arrested and brought to trial.
- Several of the procedures followed in accordance with article 61 of the Rules of Evidence which allow public examination before a Trial Chamber of any evidence presented by the Prosecutor before the judge who ordered the indictment. Because of these procedures, the whole world saw the legal evidence of the atrocities committed in Vukovar, Croatia (1995), where hundreds of Croats were exterminated by the Serbian army, and in Srebrenica, Bosnia (1995). In the latter case, the accused were Radovan Karadžić and Ratko Mladić, both accused of genocide and crimes against humanity for the massacre of thousands in Bosnia and Herzegovina, in an enclave protected by the United Nations.

- Procedures such as these laid the foundations for the moral authority, professional competence, integrity and independence of the Tribunal and its judges — few believed in it in 1993; it opened the way for the Tribunal, with the cooperation of some States, finally to begin to discharge its mandate in full.
- *Duces Tecum* Subpoena. In accordance with rule 54 of the Rules of Procedure and Evidence, Ms. Odio Benito in 1997 served in the Trial Chamber which, at the request of the Chief Prosecutor, issued the first subpoena against a State for failure to cooperate. It was against the Government of Croatia in the judgement condemning *Blaskić*. This is an example of the independence of the Tribunal and its high level of professionalism.
- Judgements. Ms. Odio Benito served in the Trial Chamber which convicted *Drazen Erdemović* (1996), a Croat, for his participation in the Srebrenica events, and she also served in the Trial Chamber which from 10 March 1997 to 15 October 1998 sat in judgement on *Zejnil Delalić*, *Zdravko Mucić*, *Hazim Delić* and *Esad Landszo*, all nationals of Bosnia and Herzegovina, for the grave breaches of the laws or customs of war committed against Serbs in a detention camp in Ćelebici, in the municipality of Konjić in central Bosnia.

The "Ćelebici judgement", as it was thereafter called, established new jurisprudence in international criminal law and in international humanitarian law by interpreting the rape of two Serbian women in that detention camp as a form of torture and cruel treatment, that is, a grave breach of the laws or customs of war in accordance with the ICTY Statute and the Geneva Conventions. From then on, it was accepted that any sexual attack against a woman in the course of an armed conflict is a war crime and that the perpetrator must be indicted accordingly. The outstanding work done by Ms. Odio Benito that made this possible is well known in international circles. The "Ćelebici judgement" and the successive judgements issued since then by the ICTY paved the way for the inclusion of articles 7 and 8 in the Rome Statute of the International Criminal Court.

Ms. Odio Benito has high professional competence in the areas of international humanitarian law and international human rights law.

In the course of her academic activity in various universities in Costa Rica, Latin America and Europe, she has given courses and conferences, acted as a consultant and conducted workshops and seminars. She has written articles and essays and contributed to published collections and written for specialized reviews and periodicals. She is currently Professor in the Master's programme in human rights and international humanitarian law at the United Nations University for Peace, at its headquarters in Costa Rica, where she holds the Chair of international criminal justice.

In the field of international law and human rights, she has worked particularly in the area of the human rights of women and the domestic and international access to criminal justice by women who are victims of violence. Her participation as head of the Costa Rican delegation was notable at the World Conference on Human Rights in June 1993, where recognition was achieved of the special nature of the human rights of women.

Ms. Odio Benito has also done distinguished work on the subject of the prevention of torture. On behalf of the Government of Costa Rica, she presented for the second time in 1990 (the initial submission had been in 1980) to the United Nations Commission on Human Rights a draft text of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The draft optional protocol was intended to establish national and international mechanisms for visits to places of detention as a means of preventing the torture of persons deprived of liberty. After years of work without much progress in the working group established to draft the text, Ms. Odio Benito became chairperson in 1999. Thanks to her efforts and professional competence, the text she had drafted was adopted in 2002, by a vote of the Commission on Human Rights; it was subsequently adopted by the Economic and Social Council and, it is hoped, it will be adopted by the General Assembly this year as well. The work done by Ms. Odio Benito earned the commendation of many of the member States of the Commission.

From 1983 to 1986, Ms. Odio Benito was the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (now Sub-Commission on the Promotion and Protection of Human Rights) on freedom of religion or belief. After several years of work, she prepared a final report that was widely praised in the Sub-Commission and in the Commission on Human Rights, which had it issued in all the official languages of the United Nations.

In her work as Attorney General of Costa Rica from 1978 to 1982, sat on various administrative, constitutional, civil and criminal trials, defending the interests of the Costa Rican Government. As Minister of Justice in Costa Rica, she took part, in the course of two periods (1978-1982 and 1990-1994), in various national and international bodies as an expert human rights jurist.

During the years in which she exercised her profession as an attorney (1982-1990), she argued cases in Costa Rican courts in various areas of the law, and her competence in civil, criminal and family law relating to the defence of the rights of women and children is well known.

3. Paragraph 3 (c)

Ms. Odio Benito has an excellent reading, writing and speaking command of English. It was her working language at the ICTY. She has good proficiency in French, which she reads and understands. Some of her work at the ICTY was done in French. Her native tongue is Spanish.

4. Paragraph 5

The candidate being proposed by the Government of Panama meets the requirements of article 36, paragraph 3, of the Statute, but pursuant to the requirements of article 36, paragraph 5, her candidacy must be listed in list A.

* * *

Elizabeth Odio Benito, a Costa Rican jurist, is internationally recognized for her work in human rights and international humanitarian law.

An Emeritus Professor of the Faculty of Law of the University of Costa Rica, where she taught for over 20 years, she has also lectured in various Latin American and European universities as a visiting professor.

Twice the Minister of Justice of Costa Rica (1978-1982 and 1990-1994), she was also Second Vice-President and Minister of the Environment of Costa Rica from 1998 to 2002.

Her work in defence of human rights has ranged from academic research and teaching to action to promote and protect basic individual rights the world over. As Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission on the Promotion and Protection of Human Rights), of which she was a member for three years (1980-1983), she wrote a major report on the elimination of all forms of intolerance and discrimination based on religion or belief, which was issued in all the official languages of the United Nations in 1986. She played an active role in the Commission on Human Rights as her Government's special ambassador and head of delegation to the preparatory meetings for the World Conference on Human Rights held in Vienna in 1993. Her constant battle for the human rights of women, begun years earlier, featured prominently in the discussions and achievements of the Conference.

Similarly, her equally constant solidarity with global efforts to prevent and eliminate torture enabled the Conference to draw world attention to the need for an optional protocol to the Convention against Torture. In 1990, Ms. Odio Benito had submitted to the Commission on Human Rights on behalf of the Government of Costa Rica the text of an optional protocol. In 1999, after 10 years of sterile discussions within the Ad Hoc Working Group set up by the Commission, the Government of Sweden (as President of the European Union) and the Government of Switzerland asked Costa Rica to allow Vice-President Odio to assume the chairmanship of the Working Group in order to bring its work to a successful conclusion.

This year, in 2002, after intensive work, first the Commission on Human Rights and then the Economic and Social Council of the United Nations adopted the Optional Protocol drafted by Ms. Odio Benito. This was the culmination of the long-standing aspiration of many countries of the international community to have a legal instrument of international scope which by setting up of mechanisms for visits to centres of detention would help to prevent torture.

On the basis of her solid academic training and her recognized work in human rights, Ms. Odio Benito was in September 1993 elected by the United Nations General Assembly as one of the judges on the ad hoc international war crimes tribunal set up that same year by the Security Council to punish war crimes committed in the former Yugoslavia since 1991. Those judges drawn from all parts of the world, only two women among them were given the mandate to contribute to peace by administering justice.

Ms. Odio Benito was Vice-President of the Tribunal during its first two years, during which she took a decisive hand in drafting the Rules of Procedure and Evidence, and participated in the Tribunal's first public hearings.

Her five years of work in the Tribunal (from 1993 to 1998) earned her the admiration and respect of the international legal community and also of the non-governmental human rights organizations. As a judge, she created jurisprudence in various areas of humanitarian international law, especially with regard to crimes committed against women during armed conflicts.

At the International Criminal Tribunal for the Former Yugoslavia, sexual violence against women during conflicts and wars was not defined as a war crime. The work of Judge Odio Benito brought about a radical change in its position on that question that was later reflected in judgements of the Tribunal and served as the main precedent when the Rome Statute which created the International Criminal Court was drafted.

As provided in article 36, paragraph 3, of the Rome Statute, the judges elected to the Court must be persons of high moral character, impartiality and integrity and (paragraph 3 (b) (ii)) have established competence in relevant areas of international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity of relevance to the judicial work of the Court. Ms. Odio Benito's human, academic and professional profile clearly meets all those requirements, and she is therefore one of the persons especially qualified to seek appointment as a judge.

Ms. Odio Benito is the author and co-author of articles, essays and writings on human rights and international humanitarian law, and on international criminal law.

29. Ott, Barbara Liliane (Switzerland)

[Original: Arabic/English/French/Russian/Spanish]

Note verbale

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Under-Secretary-General for Legal Affairs and, with reference to the Secretary-General's note LA/COD/42 (c) entitled "Nomination and election of judges to the International Criminal Court", dated 13 September 2002, has the honour to inform him that the Swiss Government has decided to nominate Ms. Barbara Ott for election as a judge of the International Criminal Court.

The nomination is submitted under list A, in accordance with Article 36, paragraph 5, of the Statute of the International Criminal Court.

The curriculum vitae of Ms. Ott is attached to this note. In accordance with paragraph 7 of the resolution on the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Court of Justice, this document details the ways in which Ms. Ott fulfils the requirements of Article 36 of the Statute of the International Criminal Court.

The Mission would like to point out that, throughout her career, Ms. Ott has regularly been called upon to deal with questions regarding violence against children and women.

...

In nominating Ms. Ott, Switzerland chose to follow the procedure for the nomination of candidates for the International Court of Justice, in conformity with article 36, paragraph 4 (a) (ii), of the Rome Statute.

Statement of qualifications

Date of birth: 27 November 1951.

Languages: French (mother tongue), English, German.

Experience in the criminal justice system

1995-present District Attorney for the Second Division Military Court.

Major in the Swiss military justice system (militia).

Officer responsible for dealing with war crimes on the staff of the Attorney General of the Swiss Army (Auditeur en chef de l'armée):

Responsible for several investigations in relation to the genocide in Rwanda in 1994 in Rwanda, Belgium, France and Switzerland:

- Some 12 missions to Kigali, for purposes of:
  - Examining witnesses and research
  - Interrogating suspects and visiting scenes-of-crime
  - Contact with local, prefectural and ministerial authorities

	– Several missions to Arusha to liaise with the International Tribunal for Rwanda – Implementation of measures to protect witnesses. Responsible for the logistics of the trial of *Fulgence Niyonteze* (Lausanne, 1998-1999), the first trial outside of Africa concerning an act committed during the genocide in Rwanda in 1994, including the setting up and implementation of a programme to assist and protect witnesses and victims.
1995-1996	Investigatory mission for the International Tribunal for Rwanda in Kigali. Responsible for investigations relating to half a dozen criminal proceedings before the Tribunal: – Determination of investigative targets and objectives – Examination of witnesses, interrogation of suspects and scene-of-crime visits – Legal qualifications of crimes and establishment of indictments for court proceedings – Implementation of measures to protect witnesses – Liaison with the Rwandan authorities and with NGOs.
1987-1995	Judge in the Second Division Military Court; conducting trials of military personnel accused of offences under the Swiss military criminal code, including writing the judgements.
1997-present	Deputy District Attorney in the Canton of Neuchâtel (part-time).
1981-1987	District Attorney in the Canton of Neuchâtel (full-time): – Investigations in all areas of criminal law (including white collar crimes) – Arrests, searches, confiscations, expert appraisals, interrogations, examination of witnesses, technical inspections – Responsible for indictments and final reports.
1979-1981	Attorney-at-law in a law firm, acting as counsel to defendants in criminal courts.

Other professional activities and experience

1987-present	Director of a private company specializing in international transport law (Claims Agency) – Giving legal advice and acting as counsel in legal proceedings, both national and international – Representing insurance consortia such as Lloyd's, Cesam and the American Institute of Marine Underwriters (AIMU) in Switzerland – Managing claims for transport insurance companies worldwide, specializing in transport law.

Specific missions

1997-2000 Several administrative and disciplinary enquiries into various police forces:

- Analysis of the structure and functioning of the police hierarchy
- Conducting investigations of command structures of different police forces
- Examining members of the magistracy and police force
- Drafting a final audit report and making recommendations.

Conferences and training

Making presentations based on my practical experience in investigating war crimes and genocide, e.g., to the prosecutors and assistants of the International Tribunal for Rwanda; at an international seminar organized as part of the Euro-Atlantic Partnership Council/Partnership for Peace; or to Swiss military justice personnel. Topics covered: effects of trauma; witness and victim protection; the need to take the cultural dimension into account in understanding the statements of witnesses, in particular where sexual crimes are concerned.

Training United Nations scientific experts based in The Hague in conducting investigations in the field.

Personal statement

When my father was a delegate to the International Committee of the Red Cross, I had several opportunities to accompany him on missions abroad. Meeting people deeply affected by conflict and violence, visiting refugee camps and orphanages, and seeing the difficulties faced by the victims of such horrible crimes in obtaining justice made a lasting impression on me. This experience left me convinced that the purpose of humanitarian law is to protect the most vulnerable and that it must be applied if the vicious circle of violence is to be broken.

It was therefore a natural step for me to choose a legal career and become a criminal court judge. As an examining magistrate in the military, I have conducted half a dozen enquiries in relation to the Rwandan genocide. Two of these cases were transferred to the International Tribunal for Rwanda in Arusha and one was tried in Switzerland. The trial held in Switzerland acquainted me with all the stages of war crimes proceedings in an international context, from the targeting of investigations to the delivery of the verdict. Regular contact with the victims and witnesses during court hearings and local inspections also trained me to be aware of differences in culture, mentality and sensibility.

My candidature for the post of judge of the International Criminal Court is the logical culmination of my professional career and my personal convictions. If elected, I would do my best to contribute my practical experience to the work of the Court. During this vital stage in the construction of an international system of criminal justice, it is important that international humanitarian law should be applied diligently and responsibly.

30. Pikis, Georghios M. (Cyprus)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Cyprus to the United Nations presents its compliments to the Secretary-General of the United Nations, and with reference to the latter's note verbale dated 13 September 2002, has the honour to communicate to the Office of the Legal Counsel of the United Nations the Republic of Cyprus' nomination of Georghios M. Pikis, President of the Supreme Court of Cyprus, for election to the post of judge of the International Criminal Court.

...

The Permanent Mission of the Republic of Cyprus to the United Nations has the honour to advise that the nomination of Mr. Pikis was made by the procedure for the nomination of candidates for appointment to the highest judicial offices in the Republic of Cyprus.

Statement of qualifications

(a) Mr. Georghios M. Pikis has been the President of the Supreme Court of Cyprus for seven and a half years and has served as a judge of the Supreme Court for 21 years. He is a person of high moral character, impartiality and integrity and he possesses the qualifications in Cyprus for appointment to the highest judicial office, in accordance with article 36.3 (a) of the Rome Statute.

Mr. Pikis fulfils the requirements of both article 36.3 (b) (i) and (ii), as may be seen from his curriculum vitae. He has vast experience in criminal law and criminal procedure, as for more than 15 years he was a trial judge of civil and criminal cases. He has also established competence in human rights in the field of international law. He was appointed twice as an ad hoc judge at the European Court of Human Rights. Moreover, he was elected and served as a member of the United Nations Committee against Torture (1996-1998).

Mr. Pikis, being a native Greek speaker, has an excellent knowledge of and is fluent in Greek and English (article 36.3 (c)).

(b) Mr. Pikis is nominated for inclusion in list A for the purposes of paragraph 5 of article 36 of the Statute.

(c) The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute is as follows:

> (i) Mr. Pikis is qualified to practise in Cyprus, which has a "mixed legal system". The common law adversarial system of justice applies (with few exceptions) to civil and criminal proceedings and the continental inquisitorial system of justice applies in proceedings of judicial review of administrative action.
>
> (ii) Mr. Pikis is a national of the Republic of Cyprus, which is a member of the Group of Asian States.
>
> (iii) Mr. Pikis is male.

(d) Mr. Pikis has legal expertise on a wide range of legal subjects relevant to the work of the Court, including but not limited to the following:

- His courtroom experience includes trials of cases of serious acts of violence, including murder and rape and other serious criminal assaults, and generally of all crimes covered by the Cyprus Criminal Code. In this connection, he has tried a vast number of cases and has had to rule on complicated issues relating to the law of evidence, substantive law and practice. As a member of the Court of Appeal he has heard and decided a great number of criminal appeals which involved the consideration and determination of difficult and complicated legal issues. His judgements, which are all published in the *Cyprus Law Reports*, constitute a very valuable judicial precedent and many are considered to be the leading judgements on the issues they have covered.

- He has extensive practical experience on questions relating to constitutional and administrative law. In this respect he has pronounced judgement on a great number of cases involving serious constitutional issues, matters concerning the interpretation of the Constitution of the Republic of Cyprus and the application of human rights, which are guaranteed by the Constitution. His judgements in this sphere of the law have gained recognition as a most useful guide and binding judicial precedent.

- His experience as a member of the Committee against Torture is considerable.

(e) The sphere of activities of Mr. Pikis in the legal field is not limited to Cyprus, but covers a wide range of participation in the affairs of international bodies where his role has always been leading, creative and prominent. His participation in this respect includes the following:

- **Since 1998** — Member of the Board of Directors of the International Association of Supreme Administrative Jurisdictions.

- **Since 1999** — Member of the Circle of Presidents of the Conference of European Constitutional Courts.

  Member of the ad hoc Committee set up by the Circle of Presidents to advise on the admission of new members to the European Conference of Constitutional Courts and on other matters on which its opinion may be sought.

  Due to chair the next meeting of: (a) the Circle of Presidents in 2003 and (b) the triennial conference of European Constitutional Courts in 2005, to be organized by the Supreme Court of Cyprus.

- **2000** — Keynote speaker at the Triennial Conference of the Commonwealth Magistrates' and Judges' Association, Edinburgh: "The Constitutional Position and Role of the Judge in a Civil Society".

- **2002** — Chaired the Commonwealth Judicial Colloquium on Combating Corruption within the Judiciary, 25-27 June 2002, Limassol, Cyprus.

(f) He is the author of two books:

- *Sentencing in Cyprus.*

- *The English Common Law and Rules of Equity and their Application in Cyprus.*

He is also the co-author of the book *Criminal Procedure in Cyprus*.

(g) His involvement in the legal field includes giving lectures and speeches and preparation of papers and reports on a wide range of subjects including:

Human rights, including their impact on world order.

Constitutional law.

The rule of law.

The doctrine of separation of powers.

Judicial independence.

The Council of Europe: its inception, development and its institutions.

Criminal law and criminal procedure.

Basic aspects of Cyprus law.

The law of the environment.

(h) Mr. Pikis is a national of the Republic of Cyprus and does not possess the nationality of any other State.

* * *

Born in 1939 in Larnaca, Cyprus.

Academic qualifications

1960	Ll.B, London University.
1961	Barrister-at-Law (of Gray's Inn).

Present position

President of the Supreme Court of Cyprus (since 1995).

Previous judicial positions

1996-1998	Justice of the Supreme Court of Cyprus.
1972-1981	President, District Court.
1996-1998	District Judge.

Served as ad hoc judge of the European Court of Human Rights on two occasions, in 1993 and 1997.

1998-1999	Chaired and wrote the report of the Committee set up by the Supreme Court of Cyprus to study the functioning of the district Courts and other first instance courts and make recommendations for changes and improvement in the rules, procedure, organization and practice of the courts.

Law practice

1961-1966	Advocate of the Cyprus Bar.

Participation in international bodies

1996-1998	Member (elected) of the United Nations Committee against Torture.
1998-present	Member of the Board of Directors of the International Association of Supreme Administrative Jurisdictions.
1999-present	Member of the Circle of Presidents of the Conference of European Constitutional Courts. Member of the ad hoc Committee set up by the Circle of Presidents to advise on the admission of new members to the European Conference of Constitutional Courts and on other matters on which its opinion might be sought. Due to chair the next meeting of: (a) the Circle of Presidents in 2003 and (b) the triennial conference of European Constitutional Courts in 2005, which will be organized by the Supreme Court of Cyprus.
2000	Keynote speaker at the Triennial Conference of the Commonwealth Magistrates' and Judges' Association, Edinburgh, entitled "The Constitutional Position and Role of the Judge in a Civil Society".
2002	Chaired the Commonwealth Judicial Colloquium on Combating Corruption within the Judiciary, 25-27 June 2002.

Publications

Authored books

Sentencing in Cyprus (in English).

The English Common Law and Rules of Equity and their Application in Cyprus (in Greek).

Criminal Procedure in Cyprus (in English) (co-author).

Papers on several aspects of the law

Lectures, speeches, papers and reports (including reports to international European and Commonwealth judicial conferences and associations) on the following subjects (in Greek or English, a number of them published in Cyprus or abroad):

Human rights, including their impact on world order.

Constitutional law.

The rule of law.

The doctrine of separation of powers.

Judicial independence.

The Council of Europe: its inception, development and its institutions.

Criminal law and criminal procedure.

Basic aspects of Cyprus law.

The constitutional position and role of the judge in a civil society.

The law of the environment.

31. Pillay, Navanethem (South Africa)

[Original: English]

Note verbale

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Legal Counsel of the United Nations and has the honour to present to him the candidature of Judge Navanethem Pillay for election as a judge of the International Criminal Court.

...

The Permanent Mission of the Republic of South Africa to the United Nations wishes to confirm that, in accordance with paragraph 4 (a) (ii) of article 36 of the Statute, the South African National Group nominated Judge Pillay as South Africa's candidate and decided to recommend her for inclusion in list B.

Statement of qualifications

1. Paragraph 3 (a) of article 36

Justice Pillay is a person of high moral character, impartiality and integrity who possesses the qualifications required by South Africa for appointment to the highest judicial offices. She is presently the Judge President of the International Tribunal for Rwanda, having been elected to that position in 1999. She has discharged her office there with distinction. Prior to her appointment to that court she had practised as an attorney of the High Court of South Africa for some 28 years, during which she had also been appointed to serve as an Acting Judge of the High Court. In her practice as an attorney in South Africa during the years of apartheid, she represented anti-apartheid activists and trade unionists in criminal cases and other matters and has always been identified with the protection of human rights. As appears from her curriculum vitae, which is attached to this statement, she has received many accolades and is held in high esteem in the legal community internationally.

2. Paragraph 3 (b) of article 36

Justice Pillay in fact satisfies both requirements. In her career in South Africa she gained experience in the practice of criminal law, and applied that law for the period during which she was an Acting Judge. She has particular expertise in the field of international humanitarian law and international criminal law, having been a judge of the International Tribunal for Rwanda since 1995.

3. Paragraph 3 (c) of article 36

Justice Pillay's home language is English, which she speaks fluently.

4. Paragraph 8 (a) of article 36

Justice Pillay comes from South Africa, which is a constitutional State in which the Constitution is the supreme law. South Africa has an adversarial system of law, which is similar in many respects to the legal system of other Commonwealth countries. Justice Pillay is a South African citizen and is nominated as the South African candidate. She is a female candidate with legal expertise in all aspects of the jurisdiction of the International Criminal Court. She has been a member of the International Tribunal for Rwanda since 1995 and participated in the landmark judgement of that Court in the *Akayesu* case, which deals with rape as a form of genocide. As appears from her curriculum vitae, she has also written and spoken on the subject of violence against women and children.

5.

Although Justice Pillay meets the requirements specified in both article 3 (b) (i) and 3 (b) (ii), her experience as a member of the International Tribunal for Rwanda makes it particularly appropriate for her to be nominated for inclusion in list B.

* * *

Date of birth: 23 September 1941.

Gender: female.

Languages: English, French (basic).

Professional experience

May 1999-present	President of the International Tribunal for Rwanda. Elected President of the Tribunal by a plenary of judges for a two-year term in May 1999 and re-elected for a second two-year term in June 2001.
May 1995-present	Judge at the International Tribunal for Rwanda. Elected by the United Nations General Assembly as judge at the Tribunal in May 1995 for a four-year term; re-elected for a second four-year term in November 1998. Currently Presiding Judge of Trial Chamber I. Participated in the following six cases in which judgements have been rendered: *Kambanda*: Prime Minister of Rwanda, was convicted, on a plea of guilty, of genocide, crimes against humanity and violations of common article 3 to the Geneva Conventions and of Additional Protocol II and sentenced to life imprisonment. This is the first conviction of a head of Government by an international court. *Akayesu*: A mayor, he was convicted of genocide and crimes against humanity and was given a life sentence. This was the first pronouncement since the Genocide Convention of 1948 on the crime of genocide by an international court. It defined the legal elements of the crime. The judgement also set a precedent in its conviction of Akayesu for rape (of which an influential definition was given by the Chamber) as an act of genocide, having found that rape had been perpetrated against

Tutsi women with the intention of destroying their ethnic group.

Serushago: Military leader, was convicted, on a plea of guilty, of genocide and sentenced to 15 years' imprisonment.

Rutaganda: Vice-President of the Interahamwe militia at the national level, he was convicted of genocide and crimes against humanity and sentenced to life imprisonment.

Musema: Convicted of genocide and sentenced to life imprisonment.

Ruggiu: A radio journalist and Belgian national (and the first non-Rwandan to be tried by the Tribunal), he was convicted on a plea of guilty and sentenced to 12 years' imprisonment for incitement to genocide.

Currently presiding in the *Niyitegeka* case (involving a former Minister of Information) and the so-called *Media Trial*, which groups a newspaper journalist, a director of a radio station and a senior official of the Foreign Ministry, all of whom are charged with using the media for direct and public incitement to commit genocide.

Currently preparing the judgement in the case of *Gérard and Elizaphan Ntakirutimana*.

1995 Acting Judge, High Court of South Africa.

First black woman to serve on the bench in South Africa. Presided over criminal and civil cases.

1967-1995 Attorney and Conveyancer, High Court of South Africa.

First woman to start a law practice in Natal Province, South Africa, in 1967.

Provided legal defence for opponents of apartheid, including members of the African National Congress, Unity Movement, Black Consciousness Movement and Azanian People's Organization.

Among the activists she represented in Natal Province were Phyllis Naidoo, Dawood Seedat, N. T. Naicker, Chris Albertyn, John Copelyn, June Nala, Saths Cooper and Strini Moodley.

Also handled precedent-setting cases to establish the effects of solitary confinement on detainees, the right of political prisoners in Robben Island Prison to due process in disciplinary matters and family violence syndrome as a defence.

She brought upon herself the unwelcome attention of the state security forces and was denied a passport for many years.

Education

1988	Harvard University, United States of America, Doctor of Juridical Science (S.J.D.). Thesis: "The Political Role of the South African Judiciary".
1982	Harvard University, Master of Laws (LLM). Thesis: "Law and Economic Change in South Africa".
1965	Natal University, South Africa, Bachelor of Laws (LLB).
1963	Natal University, Bachelor of Arts (BA).

Recent and forthcoming publications

Principles of International Criminal Law, London: Butterworths (forthcoming, 2004). Textbook and practitioner handbook (With A. Zahar et al.).

"The Rule of International Humanitarian Jurisprudence in Redressing Crimes of Sexual Violence", in *Essays in Memory of Judge Cassese*, edited by Judge Fausto Pocar et al. (forthcoming, 2003).

"Sexual Violence in Times of Conflict: The Jurisprudence of the International Criminal Tribunal for Rwanda", in *Civilians in War*, edited by Simon Chesterman (Lynne Reinner, 2001).

Official appointments

2001-2002	Expert Group on African Perspectives on Universal Jurisdiction, Cairo and Arusha.
1997-1998	Member of the Rules Board for Courts, appointed by the Minister of Justice.
1997	Member, Expert Group on Gender Persecution, appointed by the Secretary-General of the United Nations. Member, Expert Group on Refugees, appointed by the Secretary-General of the United Nations, York University, Canada.
1995-1998	Vice-Chairperson, Council of University of Durban-Westville, appointed by President Nelson Mandela.

Organizational affiliations

Current	Honorary Chairperson, Equality Now. Member, Advisory Board, *Journal of International Criminal Justice*. Member, International Criminal Law Network. Board Member, Harvard-South Africa Scholarship Committee. Board of Directors, Nozala Investments (women's component of National Economic Initiative).
1998-2001	Trustee, Lawyers for Human Rights.

1989-1999	President, Advice Desk for Abused Women.
1995-1998	President, Women Lawyers Association.
	Trustee, Legal Resources Centre.
	Member, Black Lawyers Association.
1992-1993	Member, Women's National Coalition.

Awards and citations for human rights achievements

1996-2002	Association of Law Society of South Africa; Awards to Judges Goldstone and Pillay.
	Black Lawyers Association, South Africa.
	UNIFEM and Noel Foundation Life Award, Los Angeles.
	California Legislative Assembly; Award for Leadership in the Fight for Human Rights.
	Natal University, Dr. Edgar Brookes Award.
	Advice Desk For Abused Women, Durban, Award for Outstanding Contribution in Raising Awareness of Women's Rights and Domestic Violence.
	Equality Now, New York, Award for Dedication to Human Rights.
	"One Hundred Heroines" Award, Washington, D.C.
	International Association of Women Judges, Washington and Buenos Aires, Human Rights Award.
	Feminist Majority Foundation, Washington, D.C.
	Centre for Human Rights and the University of Pretoria, Award for High Achievement by a Woman in the Legal Profession.

Recent lectures on international criminal law

2002	Geoffrey Sawer Lecture, Centre for International and Public Law, Australian National University.
	Asia-Pacific Centre for Military Law, University of Melbourne.
2001	University of Utrecht.
2000	Trinity College, Ireland.
	University of Bonn.
	University of Botswana.
1999	Oxford University, Summer Course.
	Harvard Law School, Human Rights Center.
1998	Radcliffe College, Harvard University.
	York University Refugee Center, Canada.
	Washington School of Law, United States of America.

32. Politi, Mauro (Italy)

[Original: English/French]

Note verbale

The Permanent Mission of Italy to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to refer to the latter's note dated 13 September 2002 concerning the nomination of candidates for judges of the International Criminal Court (ICC).

The Permanent Mission of Italy has the honour to communicate that, in accordance with article 36, paragraph 4 (ii), of the Rome Statute, the Italian National Group of the Permanent Court of Arbitration has designated Mauro Politi as Italy's candidate to a judgeship on the ICC. Mr. Politi, an Italian national, is a person of high moral character, impartiality and integrity, as shown in his long career as judge, prosecutor and distinguished scholar of international law. He possesses all the qualifications required in Italy for appointment to the highest judicial offices, beginning with the Italian Constitutional Court.

Mr. Politi has been a Full Professor of International Law at the University of Trento since 1990 and in previous years, since 1976, he had taught at the universities of Cagliari and Urbino. He is one of the most respected Italian scholars in the field, with established competence in international humanitarian law and human rights law. His extensive publications include a series of articles on the Rome Statute of the ICC and on the related elements of crimes. He has also accumulated extensive professional experience that is particularly relevant to the judicial work of the ICC. As Legal Adviser to the Permanent Mission of Italy to the United Nations from 1992 to 2001, he participated actively in the entire negotiating process that led to the adoption of the ICC Statute. At the Rome Conference, he was the coordinator on the issue of children in armed conflicts. He also served on the Italian delegation to the Preparatory Commission for the International Criminal Court. At the fifty-fifth session of the United Nations General Assembly (2000-2001), he was elected Chairman of the Sixth (Legal) Committee.

His curriculum vitae also attests to his established competence in criminal law and procedure and the necessary relevant experience in criminal proceedings. During his judicial career (1969-1983), he was a judge at the Tribunals of Oristano and Milan. He also acted as Deputy Prosecutor at the Juvenile Court of Milan. Hence he has been seated in trial chambers that hear criminal cases involving human rights violations and violence and abuse against women and children, a qualification referred to in paragraph 8 (b) of article 36 of the Rome Statute. He also represented the Prosecutor's office in cases of crimes committed by minors and in proceedings relating to the protection of children. In 2001, he was elected by the General Assembly to the list of ad litem judges on the International Tribunal for the Former Yugoslavia.

Mr. Politi has an excellent knowledge of and is fluent in both English and French.

While having the necessary qualifications for both lists indicated in paragraph 5 of article 36 of the Rome Statute, Mr. Politi has chosen, and is hereby nominated for, inclusion in list B.

Statement of qualifications

(a) Mr. Mauro Politi, Professor of International Law at the University of Trento and former judge and prosecutor, is a person of high moral character, impartiality and integrity, who possesses all the qualifications required in Italy for appointment to the highest judicial offices (article 36.3 (a) of the Rome Statute).

Mr. Politi fulfils the requirements of both article 36.3 (b) (i) and (ii), as is specified in his curriculum vitae.

Mr. Politi has been a Full Professor of International Law at the University of Trento since 1990. In previous years, since 1976, he had taught at the universities of Cagliari and Urbino. He is one of the most respected Italian scholars in the field of international law. His special interest and established competence in international humanitarian law and human rights law are attested, inter alia, by several articles that he published on the Rome Statute of the International Criminal Court and on the related elements of crimes. Moreover, as legal adviser to the Permanent Mission of Italy to the United Nations from 1992 to 2001, he participated actively in the entire negotiating process that led to the adoption of the Rome Statute. He also served on the Italian delegation to the Preparatory Commission for the International Criminal Court.

Furthermore, Mr. Politi has established competence in criminal law and procedure and the necessary relevant experience in criminal proceedings. During his judicial career (1969-1983), he was a judge at the Tribunals of Oristano and Milan. He was also Deputy Prosecutor at the Juvenile Court of Milan. In 2001, he was elected by the United Nations General Assembly to the list of ad litem judges on the International Tribunal for the Former Yugoslavia.

Mr. Politi has an excellent knowledge of and is fluent in both English and French.

(b) Professor Politi is being nominated for inclusion in list B for the purposes of paragraph 5 of article 36 of the Rome Statute.

(c) The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute is as follows:

(i) Professor Politi is qualified and practises in Italy, which has a civil law legal system;

(ii) Professor Politi is a national of Italy, which is a member of the Group of Western European and Other States;

(iii) Professor Politi is male.

(d) Mr. Politi has legal expertise on specific issues such as violence against women and children (article 36.8 (b)). In particular:

- As a judge of the Tribunals of Oristano and Milan, he dealt with numerous cases of human rights violations and violence and abuse against women and children;
- He represented the Prosecutor's office (at the Juvenile Court of Milan) in cases of crimes committed by minors and in proceedings relating to the protection of children;

– At the Rome Conference, he was the coordinator on the issue of children in armed conflicts.

(e) Mr. Politi is an Italian national, and does not possess the nationality of any other State.

* * *

Born in Fabrica di Roma, Italy, 13 September 1944.

Fluent in English and French.

Law Degree, magna cum laude, from the University of Florence, 1966.

Academic activities

Assistant Professor (*professore incaricato*) of Private International Law at the School of Political Sciences of the University of Cagliari (1976-1979).

Assistant Professor of Public International Law at the Law School of the University of Urbino (1979-1983).

Associate Professor of International Law at the Law School of the University of Urbino (1983-1986).

Associate Professor of International Law at the Law School of the University of Trento (1986-1990).

Full Professor of International Law at the Law School of the University of Trento (since 1990).

Judicial activities

He started his judicial career at the Tribunal of Florence in 1969.

Judge of the Tribunal of Oristano (1972).

Deputy Prosecutor at the Juvenile Court of Milan (1972-1975).

Judge of the Tribunal of Milan (1975-1983).

In his judicial career, he reached the level of Appellate Judge in 1983.

In 2001, he was elected by the United Nations General Assembly to the list of ad litem judges of the International Tribunal for the Former Yugoslavia.

Diplomatic activities

Member of the Italian delegation to the Conference for the elaboration of the Conventions on the Early Notification of a Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Vienna, 1986).

Member of the Italian delegation to the negotiations between the International Atomic Energy Agency (IAEA) and the Nuclear Energy Agency of the Organisation for Economic Cooperation and Development to draft a joint protocol relating to the application of the Vienna and Paris Conventions on civil liability for nuclear accidents (Vienna, 1988).

Member of the Italian delegation to the negotiations to elaborate a Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal (Geneva, Luxembourg, Basel, 1988-1989).

Member of the Italian delegation to the IAEA Working Group on Nuclear Liability and to the IAEA Standing Committee on Liability for Nuclear Damage (Vienna, 1989-1991).

Member of the Group of Jurists entrusted by the Italian Government with the preparation of the introductory document for the Siena Forum on International Law of the Environment, convened by the Summit of the Group of Seven major industrialized countries (1990).

Member of the Italian delegation to the Preparatory Committee for the United Nations Conference on Environment and Development (New York, 1992).

Legal Adviser to the Permanent Mission of Italy to the United Nations (1992-2001).

Delegate of Italy to the Vancouver Meeting on the Statute of the International Tribunal for the Former Yugoslavia (1993).

Vice-Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (1994).

Member of the delegation of Italy to the Security Council (1995-1996).

Member of the Italian delegation to the Ad Hoc Committee and the Preparatory Committee on the Establishment of an International Criminal Court (1995-1997).

Member of the Italian delegation to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, 1998).

At the Rome Conference, Coordinator on the issue of children in armed conflicts.

Member of the Italian delegation to the Preparatory Commission for the International Criminal Court (1999-2002).

Chairman of the Sixth (Legal) Committee of the United Nations General Assembly at its fifty-fifth session (2000-2001).

Research activities and scholarly meetings abroad

Columbia University, School of International Affairs, research project on the resolutions of the General Assembly of the United Nations (1968).

Yale University Law School, research project on nuclear non-proliferation (1980-1981).

Rapporteur at "Nuclear Inter Jura '87", organized by the International Nuclear Law Association (Antwerp, 1987).

Rapporteur at the "Travaux des XIIIes Journées d'études juridiques Jean Dabin", organized by the International Law Department of the University of Louvain (1988).

Rapporteur at the Colloquium "Science et droit", organized by the French Ministry of Research and Technology (Paris, 1991).

Participant in a panel discussion on the reform of the Security Council organized by the University of Georgia (Athens, Georgia, United States, 1996).

Rapporteur at the Annual Seminar on International Humanitarian Law, organized by the International Committee of the Red Cross and the New York University School of Law (New York, 1997).

Rapporteur at the Regional Conference on the International Criminal Court organized by No Peace Without Justice and the Ministry of Foreign Affairs of Uruguay (Montevideo, 1997).

Participant in the seminar organized by the French Ministry of Foreign Affairs on "The Access of Victims to the International Criminal Court" (Paris, 1999).

From 2000 to 2002, participant in various conferences and meetings on the International Criminal Court, notably in Storrs (Connecticut, United States), Brussels, Prague and Seville.

Main publications

"Foro della reciprocita' e principii costituzionali in tema di giurisdizione" (Competence by Way of Reciprocity and Constitutional Principles Relating to Jurisdiction). *Rivista di diritto internazionale*, 1969, pp. 258-288.

"L'immunita' giurisdizionale dei rappresentanti degli Stati presso la FAO" (Jurisdictional Immunity of States' Representatives to F.A.O.). *Rivista di diritto internazionale*, 1970, pp. 526-550.

"Responsabilita' da fatto illecito nella Convenzione sullo Statuto delle forze armate della NATO" (Responsibility for Wrongful Acts in the Convention on the Status of N.A.T.O. Armed Forces). *Rivista di diritto internazionale*, 1973, pp. 45-85.

"Giurisdizione penale sul personale della NATO e problemi di costituzionalita" (Criminal Jurisdiction over NATO personnel and Constitutional Issues). *Rivista di diritto internazionale privato e processuale*, 1974, pp. 470-486.

Note a commento di varie sentenze di giudici di merito e della Corte di Cassazione (Notes to Comment Upon Various Judgements of Courts of Merit and of the Court of Cassation). *The Italian Yearbook of International Law*, 1977, pp. 279-282 and 1978-1979, pp. 149-161.

Funzioni consolari e rapporti tra ordinamenti. Diritto internazionale e legge locale nell'attivita' del console italiano (Consular Functions and Relationships between Legal Systems. International Law and Local Law in the Activity of the Italian Consul). Milan: Giuffre', 1978 (pp. 1-181).

"Miniere d'uranio nelle Alpi Marittime, inquinamento transfrontaliero e tutela internazionale dell'ambiente" (Uranium Mines in the Maritime Alps, Transfrontier Pollution and International Protection of the Environment). *Rivista di diritto internazionale privato e processuale*, 1981, pp. 541-599.

"Esportazioni nucleari e politiche di non proliferazione" (Nuclear Exports and Non-Proliferation Policies). *Legislazione economica*, 1980-1981, pp. 806-821.

"La Convenzione dell'Aja del 1965 sulle notificazioni civili all'estero e le notifiche a cura dei consoli italiani" (The 1965 Hague Convention on Civil Notifications

Abroad and the Notifications by the Italian Consuls). *Rivista di diritto internazionale*, 1983, pp. 375-383.

Diritto internazionale e non proliferazione nucleare (Nuclear Non-Proliferation and International Law). Padua: Cedam, 1984 (pp. 1-301).

"Safeguards Against Nuclear Proliferation: The Need for Greater Effectiveness". *The Italian Yearbook of International Law*, 1985, pp. 85-95.

"Assistenza giudiziaria internazionale" (International Judicial Assistance). *Digesto*, IV ed., vol. I, 1987, pp. 455-472.

"I danni da inquinamento nella normativa internazionale: realta' e prospettive" (Pollution Damage in International Legislation: Reality and Prospects for Progress). *Diritto e pratica nell'assicurazione. Atti del Convegno "Il danno ambientale: regolamentazione, prevenzione e sicurezza"*, Milan, 30 November 1987, pp. 79-92.

"Incidenti nucleari e responsabilita' civile: verso un simultaneo ampliamento della sfera di applicazione delle convenzioni internazionali vigenti?" (Nuclear Accidents and Civil Liability: Towards a Simultaneous Enlargement of the Scope of Application of the Existing International Conventions?). *Rivista giuridica dell'ambiente*, 1988, 2, pp. 209-235.

"International and Civil Liability for Nuclear Damage: Some Recent Developments of State Practice". *La réparation des dommages catastrophiques. Les risques technologiques majeurs en droit international et en droit communautaire. Travaux des XIIIes Journées d'études juridiques Jean Dabin. Université de Louvain*, Brussels: Bruylant, 1990, pp. 319-337.

"Basi militari straniere e giurisdizione italiana" (Foreign Military Bases and Italian Jurisdiction). *Le basi militari della NATO e di paesi esteri in Italia*, Camera dei deputati, 1990, pp. 67-97.

"Energia nel diritto comunitario" (Energy in European Community Law). *Digesto*, IV ed., vol. VI, 1991, pp. 3-23.

"The Impact of the Chernobyl Accident on the States' Perception of International Responsibility for Nuclear Damage". Francioni-Scovazzi (ed.). *International Responsibility for Environmental Harm*, London: Graham & Trotman, 1991, pp. 473-490.

"La disciplina giuridica della tutela dell'ambiente nei rapporti di vicinato tra Italia e Francia" (The Legal Regime of Environmental Protection in the Relationships between Italy and France). *I rapporti di vicinato tra Italia e Francia*, eds. A. De Guttry e N. Ronzitti, Padua: Cedam, 1994, pp. 227-239.

"Tutela dell'ambiente e sviluppo sostenibile: profili e prospettive di evoluzione del diritto internazionale alla luce della Conferenza di Rio de Janeiro" (Environmental Protection and Sustainable Development: Issues and Prospects for Progress After the Rio Conference). *Scritti in memoria di Giuseppe Barile*, Padua: Cedam, 1995, pp. 447-580.

"The Establishment of an International Criminal Court at a Crossroads: Issues and Prospects After the First Session of the Preparatory Committee". *The International Criminal Court: Observations and Issues before the 1997-98 Preparatory*

Committee, and Administrative and Financial Implications, Nouvelles Etudes Pénales, 1997, pp. 115-157.

"Il diritto umanitario alla svolta della Conferenza di Roma sulla istituzione di una Corte penale internazionale: un auspicio ed un impegno dell'Italia" (Humanitarian Law at the Juncture of the Rome Conference on the Establishment of an International Criminal Court: an Auspice and a Commitment of Italy). *Cooperazione fra Stati e giustizia penale internazionale, Societa' italiana di diritto internazionale, III Convegno*, Siena, 12-13 June 1998, Naples: Editoriale Scientifica, 1999, pp. 37-61.

"Le Statut de Rome de la Cour pénale internationale: le point de vue d'un négociateur". *Revue générale de droit international public*, 1999, 4, pp. 817-850.

"The Rome Statue of the ICC: Rays of Light and Some Shadows", in Politi — Nesi (eds.), *The Rome Statute of the International Criminal Court. A Challenge to Impunity (Proceedings of the Trento Meeting of 13-15 May 1999)*, Ashgate Publishing, Aldershot, United Kingdom, 2001, pp. 7-16.

"Elements of crimes", in Cassese — Gaeta — Jones (eds.), *The Rome Statute of the International Criminal Court. A Commentary*, Oxford University Press, London, 2002, vol. I, pp. 443-473.

"The Debate Within the Preparatory Commission for the International Criminal Court", in Politi — Nesi (eds.), *The International Criminal Court and the Crime of Aggression (Proceedings of the Trento Meeting of 30 May-1 June 2001)*, Ashgate Publishing, Aldershot, United Kingdom (in press).

33. Rodrigues, Almiro (Portugal)

[Original: English]

Note verbale

The Permanent Mission of Portugal to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that the Government of Portugal has decided to nominate Mr. Almiro Rodrigues as a candidate for election as a judge of the International Criminal Court at the elections due to be held at the resumed session of the Assembly of States Parties to the International Criminal Court in New York, in February 2003.

Mr. Almiro Rodrigues served as judge of the International Tribunal for the Former Yugoslavia, where he was the Presiding Judge of Trial Chamber I (1999-2001), member of the Rules Committee of the Tribunal (1997-1999) and Chairman of the Working Group on Judicial Practices (1997-1999).

Statement of qualifications

Since the beginning of the negotiations leading to the adoption of the Rome Statute, Portugal has been a firm supporter of the creation of the International Criminal Court. Portugal, as a founding member of the International Criminal Court, will maintain its active commitment towards the promotion and strengthening of international criminal justice.

With this in mind and in accordance with article 36 of the Rome Statute, Portugal thus presents the candidatures of Judge Almiro Rodrigues for election to one of the 18 posts of judge of the International Criminal Court, to be held in February 2003.

Judge Almiro Rodrigues is being nominated in accordance with article 36.4 (a) (ii) of the ICC Statute.

Judge Almiro Rodrigues is presently working as Deputy Attorney-General and Chairman of the Legal Advisory Office of the Ministry of Justice.

From 1997 to 2001, he served as judge of the International Tribunal for the Former Yugoslavia, where he was the Presiding Judge of Trial Chamber I (1999-2001), member of the Rules Committee of the Tribunal (1997-1999) and Chairman of the Working Group on Judicial Practices (1997-1999).

In Portugal, he also served as Prosecutor and Professor of Law at the Legal Studies Centre (where the Portuguese judges are trained), in Lisbon, where he was Coordinator for the Department of Legal Psychology.

Judge Almiro Rodrigues has specific legal expertise concerning violence against women or children, as stipulated in article 36.8 (b) of the Rome Statute.

Judge Almiro Rodrigues combines international experience with substantive knowledge of both criminal law and criminal procedure. He has a consistent background of conducting complex criminal trials, both in the International Tribunal for the Former Yugoslavia and in Portugal.

Judge Almiro Rodrigues is also the author of numerous articles and publications regarding justice and international relations.

Judge Almiro Rodrigues is known and highly respected for his high moral character, impartiality and integrity and possesses the qualifications required for appointment to the highest judicial offices in Portugal.

He has clearly established competence in the areas of criminal law and procedure envisaged in article 36.3 (b) (i) of the Rome Statute.

Besides his native Portuguese, Judge Almiro Rodrigues is fluent in English, French, Spanish and Italian.

(*Signed*) António **Martins da Cruz**
Minister for Foreign Affairs

* * *

Deputy Attorney-General and Chairman of the Legal Advisory Office of the Ministry of Justice

Date and place of birth: 28 July 1950, Boaldeia-Viseu, Portugal.

Education

September 2001, International Humanitarian Law Course, International Committee of the Red Cross, Lyon, France.

February 2001, "International Symposium: Cooperation and Legal Assistance for the Effective Implementation of International Agreements", of the Organization for the Prohibition of Chemical Weapons, OPCW Headquarters, The Hague.

November 1998, Seminar on "The International Criminal Court: A Critical Review of the Rome Conference", Erasmus University, Rotterdam, the Netherlands.

1983 to 1993, postgraduate courses on:

- English Law System and English Law Language (Law School, Kent University, United Kingdom);
- European Law (Legal Studies Centre, Lisbon);
- Legal aspects related to computerization (Legal Studies Centre, Lisbon);
- Essentials of Personality and Interpersonal Relationships (Personality and Human Relations Institute, Lisbon);
- Various courses on computer operational programmes;
- French and English languages.

February/May 1984, Postgraduate research on social perceptions of justice, Catholic University of Leuven, Belgium.

July 1981, Training in Psychology (five-year degree), Psychology and Education School, University of Lisbon.

July 1975, *Law icenciatura* in Law (five-year degree), Law School, University of Coimbra, Portugal.

Professional experience

Consultant to the Office of the High Representative in Bosnia and Herzegovina

May 2002, Report on "The Future of Domestic War Crimes in Bosnia and Herzegovina".

At the International Tribunal for the Former Yugoslavia

1997-2001, Judge at the International Tribunal for the Former Yugoslavia.

Member of Trial Chamber I:

Presiding judge over the *Zlatko Aleksovski* case (Kaonik Camp);

Judge on the *Goran Jelisic* (Brčko) and General *Thiomir Blaskić* (Central Bosnia) cases. In charge of the inquiries on the deaths of Dokmanović and Kovacević in the United Nations Detention Unit.

- 1998, Presiding judge of the Working Group on Detention Unit Conditions, following the deaths of Dokmanović and Kovacević in the Unit. As a result, some modifications were adopted.
- Participation, as judge, in the International Moot Court representing the Tribunal, The Hague, November 1998.
- 1997-1999, Member of the Rules of Procedure and Evidence Committee.
- 1999-2001, Presiding Judge of Trial Chamber I.

Presiding over the cases General Radislav Krstić (genocide of Sbrenica) and *Kovocka, Kos, Radic, Zizić and Prcać* (Omarska, Keraterm and Trnopolje camps).

- 1999-2001, Member of the Bureau of the Tribunal, which advises the President.
- 1999-2001, Chairman of the Working Group on Judicial Practices.
- Participation, as Presiding Judge, in the International Moot Court representing the Tribunal, The Hague, November 2001.

At the national level

2002, Chairman of the Committee on ICC Implementation Legislation

2001, Chairman of the Ministry of Justice Legal Advisory Body

1994, Deputy Attorney-General (highest rank in a Prosecutor's career)

1993, Drafter of Portuguese report on implementation of the Convention on the Rights of the Child presented to the United Nations General Assembly

1986, Prosecutor in Sintra (1986), Aveiro (1992) and Coimbra (1993). In Coimbra, was also in charge of the Investigations and Criminal Action Department

1985-1990, Lecturer of Legal Psychology, Legal Medicine Superior Course, Legal Medicine Institute of Lisbon

1984-1992, Legal Psychology Department Coordinator, Office of Legal-Social Research of the Legal Studies Center, Lisbon

1982, Lecturer, Consultant and Researcher, Legal Studies Centre, Lisbon

1976, Deputy Prosecutor in Reguengos de Monsaraz (1976), Lisbon (1977 and 1979), Loures (1978) and Alijó (1978)

1975, Deputy to the Deputy Prosecutor in Loures and Lisbon (entrance level of an independent Magistrate's career, Ministry of Justice)

Professional affiliations

1982, International Association of Juvenile and Family Court Magistrates.

1985, Group on Social Psychology and Law, coordinated by the University of Kent, United Kingdom.

1986, Permanent Group of Interdisciplinary Analysis, Legal Studies Centre, Lisbon.

1986, Founder and member of the Executive Committee of the Portuguese Association for Juvenile and Family Law.

1990, Founder and member of the Executive Committee of the Infantile Emergency Institute, Lisbon.

1990, Member of the Provisional Committee of the Portuguese Society of Forensic Sciences.

1997, Founder and member of the Executive Committee of New Future Association.

Publications

"Juger au Tribunal Pénal International pour l'ex-Yugoslavie" (Judging at the International Criminal Tribunal for the Former Yugoslavia), in *Travai de mémoire 1914-1998*, Paris: Editions Autrement, 1999.

"Hearsay Evidence", *Essays on ICTY procedure and evidence: In honor of President Gabrielle Kirk McDonald*, Kluwer 2000, The Hague.

"The international criminal tribunal for the former Yugoslavia and international criminal law", *Portuguese Review of Criminal Science*, Coimbra Editora, 2001.

"Le Tribunal Pénal International pour l'ex-Jugoslavie", in *La Justice Pénale International, Textes réunis par Simone Gaboriau et Hélène Pauliat*, Pulin Edit. Limoges 2001.

"Um olhar sobre o Tribunal Penal Internacional para a ex-Jugoslávia" (Looking at the International Criminal Tribunal for the Former Yugoslavia), *Ministry of Foreign Affairs Review*, No. 2, June 2001.

"Justiça Penal Internacional e Tribunal Penal Internacional para a ex-Jugoslávia: Testemenho de uma Experiência" (International Criminal Law and International Criminal Tribunal for the former Yugoslavia: Testifying about an Experience), *Boletim da Ordem dos Advogados*, No. 21, agosto 2002.

"O Processo Milosevic-Razões para ter Esperança" (Milosevic Trial), *O Mundo em Portugues*, No. 31, Abril 2002.

"Colaboração Comunitária na jurisdição Tutelar" (Community Cooperation in Childhood Protection) *Revista Infância e Juventude* (Child and Youth Review), No. 83(4), pp. 33-45.

"Prostituição: que conceito e que realidade?" (Prostitution: what concept and what reality?) *Revista Infância e Juventude*, No. 84(2), pp. 7-34).

"Report of the XII Congress of the International Association of Juvenile and Family Court Magistrates", *Revista Infância e Juventude*, No. 86(3), pp. 65-89.

"Alternatives à Separação — Esboço de um Enquadramento Teórico" (Alternatives to Separation — Theoretical Framework Sketch), *Revista Infância e Juventude*, No. 86(4), pp. 7-16.

"XII Congress of the International Association of Juvenile and Family Court Magistrates: Separation Alternatives Seminar Report", *Actes*, Rio de Janeiro, Brasil, 1986, pp. 79-88.

"Relatório do Seminário Europeu sobre Protecção do Adolescente e Solucões Alternativas" (Report on the European Seminar on Youth Protection and Alternative Solutions), *Revista Infância e Juventude*, No. 86(1), pp. 43-53.

"L'intérêt de l'adolescent" (Youth Welfare), Council of Europe, CDPC 85 24.

"Interesse do Menor (Children's Welfare), *Revista Análise Psicólogica*" (Psychological Analysis Review), Série IV, Nos. 3 and 4, pp. 461-483.

"Representação de Justiça em Portugal" (Social Representation of Justice in Portugal — a socio-psychological analysis of the system of justice) in "*Revista de Análise Psicológica*, Série IV, Nos. 3 and 4, pp. 377-461.

"A Família e os Menores" (Family and Children), in *Enclopédia Legal* (Legal Encyclopaedia), pp. 76-84, Reader's Digest, Lisbon, 1987.

"Curso de Psicologia Judiciária" (Legal Psychology Handbook), CEJ, Lisbon, 1990.

A Adopção: Aspectos Sócio-psicológicos e Juridicos (Adoption: sociopsychological and legal aspects), APPORT, Porto, 1989.

"Le système de Protection Judiciaire Portugais" (The Portuguese system of legal protection), *Europe et Protection de l'Enfance*, ANPASE, Cantaleu, France, 1987.

"A Protecção dos Adolescentes e as Solucões Alternativas à Colocacão Institucional" (The Protection of Teenagers and Non-Institutional Alternative Solutions), *Revista Infância e Juventude*, No. 86(1), pp. 43-51.

A adopção Internacional (International Adoption), International Relations and Social Security Conventions Department Edition, Lisbon, 1988.

"O psicólogo a Communidade e a Criança" (The Psychologist, Society and the Child), *Revista Infância e Juventude*, No. 92 (3), pp. 59-65.

Da Interdisciplinaridade às Comissões de Protecção de Menores (From Interdisciplinarity to Juvenile Protection Commissions), Ombudsman Edition, Lisbon, 1993.

Fundamentos da Justiça Tutelar (Foundations of the Juvenile Protection Doctrine), Ombudsman Edition, Lisbon, 1993.

"Inquéritos Sociais" (Social Inquiries), *Revista Infância e Juventude*, No. 92(4), pp. 53-60.

"Assessoria Técnica na Jurisdição de Menores e Familia" (Technical Advice on Juvenile and Family Law), *Revista Infância e Juventude*, No. 92(4), pp. 47-51.

"O Novo Regime Jurídico da Adopção" (The New Portuguese Adoption Law), *Revista do Ministério Público*, No. 56, 1993, pp. 79-97.

"Os Direitos da Crianca: o Legislado e o Vivido" (Child Rights: Law and Reality), *Revista Infância e Juventude*, No. 94(3), pp. 37-63.

"Reflexões sobre a Aplicaçao do Novo Regime Jurídico Português de Adopção" (Further Thoughts on the Application of the New Portuguese Adoption Law), *European Congress on Adoption, Social Action*, Lisbon, 1995, pp. 155-166.

Pending publication

"Apport de la Pratique du Tribunal Pénal International pour l'ex-Yugoslavie à la Protection des Droits Fondamentaux de la Personne Humaine" (Contribution of the International Tribunal for the Former Yugoslavia to the Protection of Fundamental Human Rights, to appear in *Essays* in honour of Judge A. Cassese, 2001).

Special interests

International aspects of criminal law and criminal procedure; psychological aspects of criminal law; children's rights and human rights; studies on interdisciplinary, juvenile and family law; decision-making process; sentencing; eyewitness testimony.

Meetings

Delivered papers, some of which were published, at more than 100 meetings (congresses, seminars, workshops, etc.), at both national and international levels, in the areas of children's rights and human rights, family law, criminal law, human relations, eyewitness testimony, mistreatment of children and juvenile delinquency, legal management and organization.

Lectures on international criminal law, international humanitarian law, international criminal procedure, international jurisdiction and international tribunals and courts in Bosnia and Herzegovina (Sarajevo), Yugoslavia (Belgrade), Germany (Berlin), France (Paris, Lille, Limoges, Lyon), Brasil (Sao Paulo, Brasilia, Campo Grande, Cuiaba, Curitiba, Foz do Iguaçu), Switzerland (Geneva), Kosovo, Federal Republic of Yugoslavia (Pristina) and Portugal (Lisbon).

Languages

Portuguese (mother tongue), English, French, Spanish and Italian (reading and oral comprehension).

* * *

1. Almiro Rodrigues is the candidate supported by Portugal for election to the International Criminal Court.

2. Born in 1950, he has a Law Degree from the University of Coimbra and a Psychology Degree from the Psychology and Educational Science School of Lisbon, both in Portugal.

3. From 1983 to 2001, he attended several courses and postgraduate seminars in Portugal, France, Belgium, the Netherlands and the United Kingdom of Great Britain and Northern Ireland in areas such as the social perceptions of justice, personality and interpersonal relationships, European law, the English legal system and language of law, the International Criminal Court, cooperation and legal assistance for the effective implementation of international agreements, international humanitarian law, etc. (see attached curriculum vitae).

4. He has published reports, addressed conferences and lectured courses on international criminal law, humanitarian law, international criminal law procedure, children's human rights, in Bosnia and Herzegovina, Germany, France, Brazil, Switzerland, Kosovo, Federal Republic of Serbia, and Portugal.

5. Almiro Rodrigues was elected to the International Tribunal for the Former Yugoslavia from 1997 to 2001 and acted as Presiding Judge of Trial Chamber I of that Court. From 1997 to 1999, he presided over the working group on procedural rules. His attached curriculum vitae details his responsibilities and achievements in the International Tribunal for the Former Yugoslavia and other activities in that Tribunal.

6. In Portugal, Almiro Rodrigues rose to the position of Deputy General Prosecutor and lectured at the Training School for Judges and Prosecutors in the area of judiciary psychology. Presently, he is Adviser to the Justice Minister.

7. Almiro Rodrigues is the author of several reports, essays and publications, as listed in the attached curriculum vitae, mainly on international criminal law and procedure, protection of teenagers and children, adoption, and juvenile jurisdiction. Forthcoming is "Apport de la Pratique du Tribunal Pénal International pour l'ex-Yugoslavie à la Protection des Droits Fondamentaux de la Personne Humaine", to be included in *Essays in honour of Judge A. Cassesse.*

8. The expertise of Almiro Rodrigues in international criminal law and procedure and his interest in the law of minors and juveniles and above all his experience in the International Tribunal for the Former Yugoslavia have convinced the signatories below that he meets the requirements of article 36 (3) of the Rome Statute to be elected as a judge of the International Criminal Court.

Lisbon, 15 October 2002

34. Rodríguez-Cedeño, Víctor (Venezuela)

[Original: English/Spanish]

Note verbale

The Permanent Mission of Venezuela to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations Secretariat and has the honour to refer to the note dated 13 September 2002 concerning the nominations of candidates for the position of judges of the International Criminal Court.

In that regard, the Permanent Mission of Venezuela wishes to inform the Office of Legal Affairs of the Venezuelan Government's decision to nominate Ambassador Víctor Rodríguez-Cedeño for the position of judge of the International Criminal Court, for inclusion in list B, in the elections to be held from 3 to 7 February 2003 during the first resumed session of the Assembly of States Parties to the Rome Statute.

This nomination is in accordance with article 36, paragraphs 3 to 5, of the Rome Statute of the International Criminal Court.

...

The Permanent Mission of Venezuela wishes also to report that, in addition to the support of the National Group of Venezuela in the Permanent Court of Arbitration, the candidature of Ambassador RODRÍGUEZ-CEDEÑO has received also the support of the National Assembly.

Statement of qualifications

Ambassador Víctor Rodríguez-Cedeño has been nominated by the Bolivarian Republic of Venezuela as a candidate for the post of judge of the International Criminal Court for inclusion in list B. He was nominated by the national group of Venezuela in the Permanent Court of Arbitration. He is fluent in Spanish, English and French and is a Venezuelan citizen who does not possess the nationality of any other State.

The candidate possesses the moral character and the professional qualifications required for appointment to such a high office. He has a solid and recognized experience in international law, especially in international human rights law as well as in the juridical and academic fields, where he has always demonstrated impartiality and integrity.

He has been an outstanding jurist and scholar at both the national and international levels. Currently, he is a re-elected member of the International Law Commission, where he has been the Special Rapporteur for the topic "Unilateral Acts of States" since 1998, thus contributing to the progressive development of international law and its codification. He has lectured at the Venezuela School of Diplomacy and various national universities on issues relating to public international law and international relations. He presented papers at various international events focusing on international issues, including the establishment and functioning of the International Criminal Court.

He has represented Venezuela for many years as a diplomat on various human rights bodies, such as the Commission on Human Rights and the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR). It is also worth mentioning that he led the Venezuelan delegation that participated actively in the process that culminated in the establishment of the International Criminal Court. He has published many articles on that issue.

The curriculum vitae of Ambassador Rodríguez-Cedeño attests to the competence and necessary relevant experience called for by the provisions of article 36, paragraph 3 (b) of the Rome Statute required for the proper performance of the high responsibilities attached to the position of judge of the International Criminal Court. The following relevant aspects of his professional experience are worth highlighting:

International posts

- Member of the International Law Commission since 1997. Special Rapporteur of the Commission for the topic "Unilateral Acts of States" since 1998.
- Chairman of the Committee on Rules of the International Labour Conference, International Labour Organization (ILO), 2002.
- Chairman of the ILO Committee on Legal Issues and International Labour Standards (1999-2002).
- Chairman of the UNHCR Executive Committee, 1998-1999.
- Vice-Chairman of the UNHCR Executive Committee, 1997-1998.

Academic activities

- Professor at the Venezuela School of Diplomacy.
- Professor at the law school (international law) of the Universidad Central de Venezuela where he taught a course on new sources of international law in 1984.
- Professor at the School of Social Communication, Universidad Católica Andrés Bello in Caracas where he taught a course on international issues, 1983-1985.
- Presented a paper at the International Law Seminar on the unilateral acts of States, June 1999, July 2000 and 2002, Geneva.
- Presented a paper at the ILC International Law Seminar on the establishment of the International Criminal Court, Geneva, June 1997.

Publications

La Corte Internacional de Justicia, un mecanismo de solución de controversias (Tierra de Gracia. Washington, D.C., 1992). Revised and expanded version under preparation.

La Corte Penal Internacional. *Temas de Derecho Internacional*, vol. I (Caracas, 1996).

El papel del Fiscal en la Corte Penal Internacional. *Temas de Derecho Internacional*, vol. II (Caracas, 1997).

Nota sobre la elaboración de la Convención sobre el derecho de los cursos de agua internacionales con fines distintos a la navegación: solución de controversias. *Temas de Derecho Internacional*, vol. III (Caracas, 1998).

Contribución al estudio de la compentencia de la Corte Penal Internacional y el ejercicio de jurisdicción. *Temas de Derecho Internacional*, vol. VI (Caracas, 2001).

Introducción al estudio de la compentencia de la Corte Penal Internacional, el inicio del proceso y la admisibilidad de un asunto. *Temas de Derecho Internacional*, vol. VII (Separata, Caracas, 2002).

Contribución a la definición de los actos unilaterales del Estado. *Anuario Mexicano de Derecho Internacional* (México, 2003).

The Government of the Bolivarian Republic of Venezuela therefore strongly supports the nomination of Ambassador Rodríguez-Cedeño for the position of judge of the International Criminal Court. He fulfils the requirements for inclusion in list B. The Government of Venezuela is confident that, if elected, he will contribute significantly to achieving the goals and objectives that the international community has set for itself in the area of international criminal justice as a new challenge.

* * *

Education

Law degree from the Universidad Central de Venezuela, 1965-1970.

Postgraduate studies at the Institut d'études Européennes, University of Geneva, 1972-1973 and 1975-1976. Awarded a certificate in European Studies.

Postgraduate studies at the Institut d'études pour le développement, University of Geneva, 1972-1973 and 1975-1976.

International studies at the Institute des Hautes Études Internationales, University of Paris II, Diploma, 1977-1979.

Diploma in International Public Law at the University of Paris II. Sat for the University's doctoral examinations, 1978-1980.

Academic activities

Professor at the Escuela de Comunicación Social, School of Social Communication, Universidad Católica Andrés Bello (UCAB) in Caracas, where he taught a course on International Issues, 1983-1985.

Professor at the law school (international law) of the Universidad Central de Venezuela, in 1984. Taught a course on new sources of international law.

Presented a paper at the ILC International Law Seminar on the establishment of an International Criminal Court, Geneva, June 1997.

Presented a paper at the ILC International Law Seminar on the unilateral acts of the States, June 1999, July 2000 and 2002, Geneva.

Professor at the Venezuela School of Diplomacy.

Professional positions

Venezuelan Mission in Geneva (1974-1976 and since 1997 — Permanent Representative); Paris (1976-1980); Executive Secretary of the Venezuela School of Diplomacy; Vienna (1985-1987); The Hague (1987-1989); Director of Treaties in the Ministry of Foreign Affairs (1989-1991); New York (1991-1992); Washington (1992-1994); Puerto Rico (1994-1997).

Ambassador of Venezuela since 1994.

Conferences and meetings

Member of the Venezuelan delegation to the General Assembly of the United Nations, Sixth Committee (Legal Affairs), 1969, 1983, 1991 and 1993 to 2002.

United Nations conferences on the representation of States in their relations with international organizations, Vienna, 1975 and on the Law of Treaties between States and International Organizations or between International Organizations, Vienna, 1986. Member of the Legal Drafting Committee.

Representative of Venezuela to the Working Group and Preparatory Committee on the Establishment of an International Criminal Court (1995-1998).

Member of the Venezuelan delegation to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, July 1998.

Representative of Venezuela to the Human Rights Commission (1998-2002).

Representative of Venezuela to the Office of the Nations High Commissioner for Refugees (1998-2001).

International posts

Member of the International Law Commission (ILC) since 1997.

Special Rapporteur for the topic: “Unilateral Acts of States” since 1998.

Vice-Chairman of the UNHCR Executive Committee, 1997-1998.

Chairman of the UNHCR Executive Committee, 1998-1999.

Chairman of the ILO Committee on Legal Issues and International Legal Standards (1999-2002).

Chairman of the Committee on Rules of the International Labour Conference, 2002.

Publications

La Corte Internacional de Justicia, un mecanismo de solución de controversias (Tierra de Gracia. Washington, D.C., 1992). Revised and expanded version under preparation.

La Corte Penal Internacional in *Temas de Derecho Internacional*, vol. I (Caracas, 1996).

El papel del Fiscal en la Corte Penal Internacional. *Temas de Derecho Internacional*, vol. II (Caracas, 1997).

Nota sobre la elaboración de la Convención sobre el derecho de los cursos de agua internacionales con fines distintos a la navegación: solución de controversias. *Temas de Derecho Internacional*, vol. III (Caracas, 1998).

Contribución al estudio de la compentencia de la Corte Penal Internacional y el ejercicio de jurisdicción. *Temas de Derecho Internacional*, vol. VI (Caracas, 2001).

Introducción al estudio de la compentencia de la Corte Penal Internacional, el inicio del proceso y la admisibilidad de un asunto. *Temas de Derecho Internacional*, vol. VII (Separata, Caracas, 2002).

Contribución a la definición de los actos unilaterales del Estado. *Anuario Mexicano de Derecho Internacional* (México, 2003).

* * *

Caracas, 25 November 2002

Excellency,

We have the honour to inform Your Excellency that, in accordance with article 36 of the Rome Statute of the International Criminal Court, the national group of Venezuela in the Permanent Court of Arbitration has decided to nominate Ambassador Víctor Rodríguez-Cedeño as a candidate for the position of judge of the International Criminal Court in the elections to be held in February 2003 in New York.

The national group of Venezuela is of the view that Ambassador Rodríguez-Cedeño, a member of the International Law Commission, who has represented Venezuela for many years on various human rights bodies, as well as throughout the process which led to the establishment of the International Criminal Court, meets the criteria for such a high office.

(*Signed*) Efraín Schacht **Aristigueta**

(*Signed*) Miguel Angel **Burelli Rivas**

(*Signed*) Pedro **Nikken**

35. Sissoko, Mory Ousmane (Niger)

[Original: French]

Note verbale

Pursuant to the note dated 13 September 2002 from the Secretary-General of the United Nations, I have the honour to inform you that the Republic of the Niger has decided to nominate Mr. Mory Ousmane Sissoko as a candidate for election to one of the seats on the International Criminal Court.

This is a list A nomination.

...

Statement of qualifications

Date and place of birth: 12 June 1952, Niamey

Current post: President, Audit and Budgetary Oversight Chamber of the Supreme Court

Education

1959-1965	Niamey Primary School for Boys
1965-1970	Intermediate School
1970-1973	Issa Beri High School, Niamey
1973-1977	University of Dakar

Postgraduate studies

1977-1979	National College of Magistrates, Paris

Degrees

July 1977	Master's degree: private trade law
July 1979	Diploma: National College of Magistrates

Professional experience

1979-1980	Examining Magistrate, third chamber, Niamey Court of First Instance
1980-1982	Section President, Dosso Court
1982-1983	Examining Magistrate, third chamber, Niamey Court of First Instance
1983-1989	Judge, Niamey Appeals Court
1989-1994	Director of Legal Affairs, Ministry of Justice
1994-1999	Judge, Supreme Court of the Niger (Judge of the Constitutional Chamber, Judicial Chamber and Accounts and Budgetary Oversight Chamber)
1999-2000	Inspector-General, Judicial Services
2000-the present	President, Audit and Budgetary Oversight Chamber

Other posts held

Examining Magistrate, Special Court, 1985-1988

Member, State Security Court, 1988-1989

President, Monitoring Chamber of the Special Court, 1988-1989 (at which point this Court was abolished by the National Sovereign Conference)

Judge, High Court of Justice established by the National Sovereign Conference, 1991-1993

President, Indictments Chamber of the State Security Court, 1991-1994

Seminars attended

International colloquium on human rights, Dakar, March 1980

Air Afrique Headquarters Agreement, Abidjan, December 1983

Twenty-first congress of the Institut International du Droit des Pays d'Expression Française (International Institute of Law of the French-speaking Countries) Libreville, May 1990

United Nations human rights fellowship, Geneva and Strasbourg (certificate received following a competitive examination and internship report, July 1992)

Child protection and the law, Bordeaux (certificate received from the Agency for Cultural and Technical Cooperation (ACCT), October 1994)

Strategic planning workshop and Seventh General Assembly of the African Organization of Supreme Audit Institutions (AFROSAI), February-March 1997

Training course in auditing, Abidjan, October-December 1997

Advanced training course in finance, Libreville, September 1999

Written works

Unpublished work entitled "Les droits de la personne humaine au Niger" ("Human Rights in the Niger"), 1990. This work was used to assess respect for human rights during the negotiations between donors and the Government of the Republic of the Niger in the transition period 1991-1993.

Spoken and written languages

Two national languages (Djerma and Hausa), Bambara and Wolof

French, English and Spanish

36. Slade, Tuiloma Neroni (Samoa)

[Original: English]

Note verbale

The Permanent Mission of the Independent State of Samoa to the United Nations has the honour, with reference to the note of the Secretary-General of the United Nations dated 13 September 2002, to communicate to the Legal Counsel of the United Nations Samoa's nomination of Ambassador Tuiloma Neroni Slade as a candidate for election as a judge of the International Criminal Court.

...

Statement of qualifications

The following statement is submitted in accordance with article 36.4 (a) of the Rome Statute of the International Criminal Court and paragraph 7 of the resolution of the Assembly of States Parties relating to the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court:

1. Mr. Tuiloma Neroni Slade, being a barrister and senior counsel of more than eight years' standing, is a person of high moral character, impartiality and integrity who possesses the qualifications required in the Independent State of Samoa for appointment to the highest judicial office (article 36.3 (a)).

2. Mr. Slade fulfils the requirements of both subparagraphs (i) and (ii) of article 36.3 (b), as indicated in his curriculum vitae. He has established competence in criminal law and procedure and the necessary relevant experience, as prosecutor and advocate, in criminal proceedings. He also has established competence in relevant areas of international law, in particular the law of human rights, and has extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

3. Mr. Slade has an excellent knowledge of and is fluent in English (article 36.3 (c)).

4. Mr. Slade is being nominated for inclusion in list A for the purposes of article 36.5.

5. With respect to article 36.8 (a), subparagraphs (i) to (iii):

   (i) Mr. Slade is qualified and has practised in Samoa and in New Zealand, both having common law legal systems;

   (ii) Mr. Slade is a national of Samoa, a State member of the Asian Group; and

   (iii) Mr. Slade is male.

6. With respect to article 36.8 (b), Mr. Slade has legal expertise on a wide range of specific issues relevant to the work of the Court, including, but not limited to, violence against women and children. His courtroom experience includes

dealing with cases of rape, murder and other serious cases of violence and sexual assaults.

* * *

Date and place of birth: 8 April 1941, Samoa.

Education

LL.B, Victoria University of Wellington, New Zealand.
The Hague Academy of International Law (1971).
UNITAR fellowship; United Nations Legal Office, New York (1971).
Treaty law fellowship, Ottawa (1973).

Barrister and Solicitor, Samoa and New Zealand.

Career

1993-present	Ambassador/Permanent Representative of the Independent State of Samoa to the United Nations.
	Ambassador to the United States of America.
	High Commissioner to Canada.
1983-1993	Assistant Director, Legal Division, Commonwealth Secretariat, London.
1976-1982	Attorney-General of Samoa.
1973-1975	Parliamentary Counsel, Government of Samoa.
1969-1973	Principal/Legal Counsel and Senior Prosecutor, Attorney-General's Office, Government of Samoa.
1967-1968	Private legal practice, Wellington, New Zealand.

Work history

Currently	Chairman, Alliance of Small Island States.
	Member, Executive Council, Global Environment Facility.
	Member, Governing Board, International Ocean Institute.
2001	Co-Chairman, Joint Working Group on Compliance under the Kyoto Protocol on Climate Change.
2001	Laureate, Elizabeth Haub Award for Environmental Diplomacy.
2000	Member, Advisory Council to the World Bank/Commonwealth Task Force on Small States.
2000-2002	Co-chairman, United Nations Open-ended Informal Consultative Process on oceans and law of the sea.
1999-2002	Leader, Samoan delegation to the Preparatory Commission for the International Criminal Court.

1998	Leader, Samoan delegation to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.
	Coordinator for the preamble and final clauses of the draft Rome Statute, United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.
1996/1998	Chairman, Asian Group working group on United Nations candidature procedural reforms.
1997	Moderator/Chairman, South Pacific Forum Seminar on Nuclear Issues, Suva.
1995/1997/ 2001	Vice-President, Conference of the Parties to the United Nations Framework Convention on Climate Change.
1996	Chairman, Sixth Asia-Pacific Seminar on Climate Change, Suva.
	Vice-Chairman, Permanent Court of Arbitration Working Group on Environmental and Natural Resources Law, The Hague.
	Member, Commonwealth Observer Group, Sierra Leone general elections.
	Chairman, regional meeting on the science and impacts of climate change in the Pacific Islands, Apia, Samoa.
1995/1996	Counsel for Samoa before the International Court of Justice in the requests for advisory opinions on the *Legality of the Threat or Use of Nuclear Weapons*.
1995	Agent for Federated States of Micronesia, Marshall Islands, Solomon Islands and Samoa in the Application to the International Court of Justice for intervention in the Nuclear Tests case (New Zealand v. France).
	Chairman, Working Group I, Preparatory Committee for the Intergovernmental Conference on the Protection of the Marine Environment from Land-based Activities, Reykjavik.
1994	Vice-President, Global Conference on the Sustainable Development of Small Island Developing States.
1993	Member, United Nations Trusteeship Council mission to the Trust Territory of Palau.
1983-1993	As a senior legal adviser in the Legal Division of the Commonwealth Secretariat, undertook a broad range of legal and advisory work among member States and their judicial and legal professions, including on international humanitarian standards and the law of human rights, maintenance of the rule of law and the development of arrangements for mutual assistance in criminal matters.

1992	Leader, Commonwealth Secretariat support team to the Observer Group to the Constitutional Referendum, Seychelles. Chairman, Working Group on the University of the South Pacific Law School syllabus.
1990	Member, Commonwealth Secretariat support team to the Election Observer Mission, Malaysia general elections.
1989	Legal consultant, South Pacific Forum Fisheries Agency.
1986	Chairman, First South Pacific Law Conference, Apia.
1984	Counsel assisting the International Constitutional Commission of Inquiry on the Banaban people in the Republic of Kiribati.
1980-1982	Acting Chief Justice of Samoa for interim periods.
1973-1976	Leader of Samoa's delegation to the Third United Nations Conference on the Law of the Sea.

Articles and addresses

"The magnitude and scope of illicit trafficking in small arms and light weapons", paper submitted at the United Nations Regional Disarmament Meeting, Wellington, 2001.

"An Examination of the Kyoto Protocol from the Small Island Perspective", Tuiloma Neroni Slade and Jacob Werksman, 2000, *Climate Change and Development*, Yale School of Forestry & Environmental Studies, Luis Gomez-Echeverri (ed.).

Keynote address on "Pacific Perspectives on International Law", International Law Association Conference, Wellington, 1999.

Keynote address on "UNCED+7 and Barbados", *Pacem in Maribus XXVII* on Oceans in the New Millennium, Suva, 1999.

"Preamble and Final Clauses", Tuiloma Neroni Slade and Roger S. Clark, 1999, *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations, Results*, Roy S. Lee (ed.).

"The Convention on Climate Change: A view from the Small Island States", 1997, *Our Planet* (UNEP), vol. 9, No. 7.

Opening address before the International Court of Justice in advisory proceedings on the *Legality of Nuclear Weapons*, 1996, *The Case Against the Bomb*, Clark, R. S. and Sann, M. (eds.).

Keynote address on the international climate change negotiations on the Berlin Mandate at the Sixth Asia-Pacific Seminar on Climate Change, Suva, 1996.

"1995 Review and Extension of the Treaty on the Non-Proliferation of Nuclear Weapons", 1995, *Review of European Community and International Environmental Law*, Sands, P. (ed.).

"The Pacific Islands Law Officers Meeting (PILOM)", 1992, *Melanesian Law Journal*, Nonggorr (ed.).

"Forum Fisheries Agency and the Next Decade: the Legal Aspects", 1990, *The Forum Fisheries Agency: Achievements, Challenges and Prospects*, Herr, R. (ed.).

"Law Officers in the Pacific Island States", 1988, *Law, Politics and Government in the Pacific Island States*, Ghai, Y. H. (ed.).

"Dissemination of Human Rights Standards in a Culturally Diverse Region", 1987, *Human Rights, Information and Dissemination*, UNESCO seminar publication.

"A Constitution in Practice", [1984] *New Zealand Law Journal*, 181.

Joint Editor, *Commonwealth Law Bulletin* (1983-1993).

Member, Editorial Committee, *Law Reports of the Commonwealth* (until 1993).

Compiler/Editor, *Western Samoa Law Reports* (until 1983).

Additional addresses and papers on environment and development issues, and on international climate change processes and negotiations.

37. Sock, Raymond C. (Gambia)

[Original: English]

Note verbale

The Permanent Mission of the Republic of The Gambia to the United Nations extends compliments to the Secretary-General of the United Nations and wishes to inform the latter that The Gambia has decided to nominate Mr. Raymond Sock as a candidate for the post of judge of the International Criminal Court.

Mr. Raymond Sock is currently the Solicitor General and Legal Secretary at the Attorney General's Chambers and Department of State for Justice and National Assembly Matters.

Mr. Sock has legal expertise in human rights law and international humanitarian law, including specific issues such as violence against women and children. He is presently the supervisor of the Child Rights Unit, which was recently established in the Attorney General's Chambers with the cooperation of the United Nations Children's Fund (UNICEF), and the ongoing UNICEF-sponsored projects for the establishment of a national commission on children's rights and the harmonization of the domestic laws with the provisions of the Convention on the Rights of the Child. Mr. Sock also took part in the preparatory workshops and meetings on the Rome Statute and the International Criminal Court.

Although Mr. Sock is qualified to appear on both lists A and B under paragraph 5 of article 36 of the Statute, his nomination is submitted for inclusion under list B.

Mr. Raymond Sock is a Gambian national and is nominated as such.

Statement of qualifications

Mr. Raymond Sock is currently the Solicitor General and Legal Secretary at the Attorney General's Chambers and Department of State for Justice and National Assembly Matters. Mr. Sock was called to the English Bar as a Member of the Honorable Society of the Middle Temple 24 years ago, in 1978; he has worked as a government lawyer (1978-1980); as the First Director of the African Center for Democracy and Human Rights Studies, a regional non-governmental organization which he helped establish (1990-1995); as a private legal practitioner (1995-2000); and on contract as the Solicitor General and Legal Secretary from 2000 to date. Mr. Sock also took part in the preparatory workshops and meetings on the Rome Statute and the International Criminal Court.

Mr. Sock is undoubtedly a very experienced senior lawyer with specialization in human rights and international humanitarian law and is known for his high moral standards, impartiality and integrity. Mr. Sock possesses the requisite qualifications and experience for appointment to the highest judicial office in The Gambia.

As a holder of a B.A. Honours degree in English Language and a postgraduate certificate in legislative drafting, Mr. Sock's command of the English language, one of the languages of the Court, is excellent.

Although Mr. Sock is qualified to appear on both lists A and B under paragraph 5 of article 36 of the Statute, his nomination is submitted for inclusion under list B.

The Republic of The Gambia is located on the north-west coast of Africa. Its legal system is based on the common-law system inherited from England, including the principles of equity, and statute law promulgated since independence in 1965.

As stated above, Mr. Sock has legal expertise in human rights law and international humanitarian law, including specific issues such as violence against women and children. He is presently the supervisor of the Child Rights Unit, which was recently established in the Attorney General's Chambers with the cooperation of the United Nations Children's Fund (UNICEF), and the ongoing UNICEF-sponsored projects for the establishment of a national commission on children's rights and the harmonization of the domestic laws with the provisions of the Convention on the Rights of the Child. In April 2001, he headed a Gambian delegation to Accra to observe and study the operation and activities of the Ghana National Commission for Women and Children under the auspices of UNICEF.

Mr. Raymond Sock is a Gambian national and is nominated as such.

* * *

Date of birth: 5 June 1946

Gender: male

Education

Degree	*Major area of study*	*Name of school/date*
Certificate in legislative drafting	Legislative drafting	Australian Legislative Drafting Institute, Canberra, 1980
B.L. (Barrister at Law) (2:2)	Law	Inns of Court School of Law, Chancery Lane, London, 1975-1978
M.A.	English literature	Pennsylvania State University, United States of America, 1968-1970
Certificate in communication	Communication	Fordham University, New York, 1966
B.A. (Hons.)	English	Lewis and Clark College Portland, Oregon, United States of America, 1965-1968

Summary of professional skills or expertise

Law — Barrister-at-Law
Certificate in legislative drafting
Human rights law
International humanitarian law

Computer skills: working knowledge of computer/Internet applications and presentation

Summary of relevant work experience

- **Title:** Solicitor General and Legal Secretary, 2000-present

Employer: Government of The Gambia

Type of business: public service

Location: Banjul

Area of work

Administration of the entire Department of State for Justice and National Assembly Matters.

Supervising public prosecutions and civil litigation.

Assisting the Attorney General and Secretary of State for Justice and National Assembly Matters.

Major accomplishments

- Restructuring of the Department of State for Justice and Decentralization of the High Court — ongoing.
- Development of the role of the Attorney General's Chambers as the focal point for human rights.
- Assisting in acquiring a permanent site for the African Commission on Human and People's Rights.

Supervisory experience and number of people supervised

- I supervise the entire Department of State for Justice, made up of 23 lawyers, 27 administrative, clerical and technical staff.
- I am the Head of Administration as the Permanent Secretary of the Department of State.
- As Solicitor General, I supervise all the divisions of the Department of State, comprising the Criminal Division, Civil and International Law Division, Legislative Drafting and Parliamentary Affairs Division, Registrar-General's Division, Companies Registry and Curator of Intestate Estates.
- I am lead counsel in serious criminal and civil cases. I vet legal opinions in criminal and civil cases.

- **Title**: Chairman, Governing Board of the Institute for Human Rights and Development in Africa, 2000-present
- **Title**: Member of Governing Board of the Institute for Human Rights and Development in Africa, 1997-2000
- **Title:** Director (Chief Executive), 1990-1995

Employer: African Centre for Democracy and Human Rights Studies

Type of business: non-governmental organization

Location: Banjul

Area of work: Developing and implementing the Centre's policies and core programmes.

Major accomplishments

Establishment of the Centre: development of its infrastructure and material and human resources; development and implementation of the Centre's core programmes; fund-raising for programmes; profiling the Centre as a regional non-governmental organization.

- **Title:** Solicitor General and Legal Secretary, Department of State for Justice, 1985-1990
- **Title:** Acting Solicitor General and Legal Secretary, Department of State for Justice, 1984-1985

Employer: Government of The Gambia

- **Title:** Acting Registrar General, Department of State for Justice, 1983-1984

Employer: Government of The Gambia

- **Title:** Legal Draftsman, Department of State for Justice, 1982-1983
- **Title:** State Counsel, Department of State for Justice, 1979-1982
- **Title:** Assistant Secretary, Ministry of Agriculture and Natural Resources, 1973-1975
- **Title:** English Teacher, Armitage High School, Georgetown, The Gambia, 1972-1973
- **Title:** English Instructor, Bidwell Cultural and Training Center, Pittsburgh, United States, 1970-1972
- **Title:** Teaching Assistant Pennsylvania State University, United States, 1968-1970

Publications

Contributor, "Dear Friends" column; *African Human Rights Newsletter*, published by the African Centre for Democracy and Human Rights Studies (ACDHRS) Banjul, 1991-1995.

Sock, Raymond, "The United Nations Standard Minimum Rules for the Treatment of Prisoners and the management of African penitentiary institutions", ACDHRS, paper delivered during the first Arab-African Seminar on Penal Justice and Penitentiary Reform, Tunis, November/December 1991.

Sock, Raymond, "The case for an African Court of Human and People's Rights — from a concept to a draft Protocol over 33 years", *African Topics* magazine; issue two, March/April 1994.

Sock, Raymond, "Universalism and the right to development", *Human Rights Forum*, vol. four, issue three, fall-winter 1994, Canadian Human Rights Commission.

Sock, Raymond, "A discussion paper on the legal status of African women vis-à-vis CEDAW and States' periodic reports", ACDHRS; prepared for the Fifth African Regional Conference on Women; November 1994, Dakar.

Sock, Raymond, "The death penalty and extrajudicial executions", ACDHRS, presented at the first annual general meeting of the Banjul Group of Amnesty International, January 1995.

Sock, Raymond, "Discussion notes on penal and judicial reasons for overcrowding in African prisons", ACDHRS, first regional session organized by the International Prison Watch on African Non-Governmental Mechanisms for the Observation, Alert and Protection of People in Prisons; Dakar, January/February 1995.

Several papers for courses and workshops organized by ACHDRS, Banjul.

Sock, Raymond, and Aminata Ngum, "The status of married women under the laws of The Gambia", ACDHRS, 1998.

Languages

English — fluent

Human rights activities

1988	Leader of the Gambian delegation to negotiate and initial the Headquarters Agreement for the African Commission on Human and People's Rights with the secretariat of the Organization of African Unity, Addis Ababa.
April/May 1989	Participant in training course on "Developing national strategies and mechanisms for the protection and promotion of human rights in Africa", held in Banjul and sponsored by the United Nations Centre for Human Rights.
June 1989	Participant in pilot training workshop on "Human rights training for Commonwealth public administrators", sponsored by the Human Rights Unit of the Commonwealth Secretariat.
July/August 1989	United Nations Human Rights Fellowship Programme, tenable at the Centre for Human Rights, United Nations Office at Geneva and the International Institute for Human Rights, Strasbourg, France.
November 1989	Participant at seminar on "Legal services in rural areas", co-sponsored by the International Commission of Jurists and the African Centre, Banjul.
November 1989	Participant at a training workshop for the establishment of a human rights core in Africa, co-sponsored by the African Association of International Law and the African Centre.
November 1989	Participant at a seminar on "The judiciary and human rights in Africa", jointly sponsored by the African Association of International Law, the African Commission and the African Centre.

March 1990	Participant at Africa's Conference on Human Rights and Democracy, Otta, Nigeria.
May 1991	Resource person, Commonwealth Secretariat Human Rights Training Workshop for Public Officials, Banjul.
July 1991	Observer at the United Nations Seminar on International Human Rights Standards and the Administration of Justice, co-sponsored by the African Commission, Cairo.
1990-1994	Observer at the sessions of the African Commission on Human and People's Rights.
November/ December 1991	Resource person at the Arab-African Seminar on Penal Justice and Penitentiary Reform, Tunis.
June 1993	Participant at the World Conference on Human Rights, Vienna.
November 1993	Participant at the Fifth International Commission of Jurists Workshop on NGO Participation in the African Commission, during which I delivered a paper entitled "A case for the creation of an African Court of Human and Peoples' Rights".
January 1994	Participant at a meeting of a group of African experts to draft the protocol for the establishment of an African Court of Human and People's Rights, International Commission of Jurists, Geneva.
November 1994	Participant at the Fifth African Regional Conference on Women, Dakar.
May 1995	Resource person at the Fourth Training Course on the Use of International Human Rights Procedures, organized by the African Centre for Democracy and Human Rights Studies, Banjul.
June 1995	Resource person at a training course on the protection of human rights for senior military officers from African countries organized by the African Centre for Democracy and Human Rights Studies, Banjul.
May 1998	Member of a four-man international delegation to Liberia under the International Commission of Jurists fact-finding mission on the judiciary in Liberia.
January 2000	Participant in an ECOWAS/ICRC seminar on the International Criminal Court, Abidjan.
April 2001	Leader of Gambian delegation to Accra, to observe the activities of the Ghana National Children's Commission under the auspices of UNICEF.

Other activities

1984	Government representative at the Commonwealth legal experts meeting on the Commonwealth Scheme for the Rendition of Fugitive Offenders, Marborough House, London.
1985	Government representative at the Berlin Conference on the Law of the World.
1985	"Operation Crossroads Africa" grant for one month in the United States of America under project entitled "American Legal Institutions and Jurisprudence".
1986	Consultancy with the Technical Assistance Group of the Commonwealth Fund for Technical Cooperation for the preparation of the petroleum (exploration and production) bill and supporting regulations, London.
1986	Observer at the First Commonwealth Judicial Conference, Banjul.
1987	Member of the Gambian delegation to the Twenty-Fourth Assembly of Heads of State and Government of the Organization of African Unity, Addis Ababa.
1987	Participant at the International Congress on Human Rights Teaching, Information and Documentation, organized by UNESCO in Malta.
1988	Alternate head of the Gambian delegation to the forty-fourth session of the United Nations Commission on Human Rights, Geneva.
1982-1990	Legal Adviser on Senegambia Confederation and draftsman of Confederal Protocols.
1983-1990	Member of the Board of Directors of the Gambia Women's Development Journal, AWA.
1983-1995	Member of the Judicial Service Commission.
March 1990	Resource person, First Commonwealth Diplomatic Training Course at the Institute of Public Administration and Management, University of Sierra Leone.
October 1990	Observer, general elections, Pakistan, as member of an international observers delegation sponsored by the National Democratic Institute for International Affairs, United States.
November 1990	Participant at a conference on the consolidation of pluralistic democracy organized by Centre d'Études et de Recherches sur la Démocratic Pluraliste dans le Tiers-Monde (CERDET) and the National Endowment for Democracy, United States, Dakar.

June 1991	Observer at a conference on "The role and function of the opposition in Africa", Commonwealth Parliamentary Association (The Gambia branch) and Friedrich Ebert Foundation, Banjul.
June 1991	Participant at a conference on human rights in post-apartheid South Africa, jointly organized by UNESCO and the African Commission, Banjul.
November 1991	Observer, presidential and parliamentary elections, Zambia, Commonwealth Observers Group.
September 1992	Participant at the mid-year working session of the International Negotiation Network, Conflict Resolution Program of the Carter Center of Emory University, Dakar.
October/ November 1992	Observer at presidential elections, Ghana, Carter Center Group.
December 1992/ January 1993	Leader of technical support group for European observers, European Community/International Commission of Jurists, Kenya elections.
March 1993	Participant, Chair and member of the Bureau during the International Congress on Education for Human Rights and Democracy, UNESCO, Montreal.
June 1993	Participant at a seminar on election monitoring in Africa, Foreign and Commonwealth Office, London.
May 1994	Observer, International Commission of Jurists/United Nations team, presidential and parliamentary elections, Malawi.
January/ February 1995	Resource person at the First African Seminar of the International Observatory of Prisons, Dakar.
2000-present	Member of the Judicial Service Commission.
September 2000-present	Chairperson of the Governing Board of the Institute for Human Rights and Development in Africa.
December 2000	Participant at the Fourth International Conference on New and Restored Democracies, Contonou.
January 2001	Participant at the National Workshop on Developing the Role of the Ombudsman in the Gambia.
May 2001	Government representative at the Global Forum on Fighting Corruption and Safeguarding Integrity, The Hague.
March 2002	Member of the Gambian delegation to the Commonwealth Heads of Government Summit, Brisbane, Australia.

38. Song, Sang-hyun (Republic of Korea)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Legal Counsel of the United Nations and, with reference to the note of 13 September 2002, has the honour to inform the Secretariat that the Republic of Korea has decided to present the candidature of Professor Song Sang-hyun for election to the post of judge of the International Criminal Court at the elections to be held during the resumed first session of the Assembly of States Parties in February 2003.

Professor Song is a candidate on list A for the purposes of article 36.5 of the Rome Statute.

Professor Song has established competence in criminal law and procedure, as well as in areas of international law which are of relevance to the Court. He has been a Professor at Seoul National University Law School since 1972 and he is one of the most respected Korean scholars in this field.

The nomination of Professor Song followed the procedure for nominations of candidates to the International Court of Justice in accordance with article 34.4 (a) (ii) of the Rome Statute. On 25 November 2002, the Korean national group in the Permanent Court of Arbitration informed the Korean Government that it had, after careful deliberation, decided to nominate Professor Song as a candidate for election as a judge of the International Criminal Court. The Korean Government supports the nomination of Professor Song.

Statement of qualifications

(a) Professor Song Sang-hyun is a person of high moral character, impartiality and integrity, who possesses the qualifications required in the Republic of Korea for appointment to the highest judicial offices (article 36 (3) (a)).

Professor Song fulfils the requirements of article 36 (3) (b) (i) and (ii), as is specified in his curriculum vitae. He has established competence in criminal law and procedure, and the necessary relevant experience, as an advocate, scholar and judicial adviser, in criminal proceedings. He also has established competence in relevant areas of international law, in particular international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

Professor Song, having earned his LL.M. and J.S.D. degrees in the United States of America and having worked as an attorney and visiting professor in a number of foreign countries including Australia, Germany, the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States, has an excellent knowledge of and is fluent in English. He also speaks French and has considerable knowledge of that language (article 36 (3) (c)).

(b) Professor Song is being nominated for inclusion in list A for the purposes of paragraph 5 of article 36 of the Statute.

(c) The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute is as follows:

(i) Professor Song is qualified for appointment to the highest judicial offices in the Republic of Korea, which has a civil law legal system. He has also received a legal education at the postgraduate level in the United States of America and the United Kingdom, which have a common law legal system.

(ii) Professor Song is a national of the Republic of Korea.

(iii) Professor Song is male.

(d) Professor Song has legal expertise on a wide range of specific issues related to the work of the Court, including, but not limited to, the following:

- He has extensive practical and academic experience in the area of criminal law, criminal procedure and the law of evidence; as a member of the advisory committee to the Korean Supreme Court and the Ministry of Justice he has participated in the reform of the Korean litigation system with respect to the Penal Code, the Code and the Court Rules of Criminal Procedure and the criminal court process, among other things;
- He also has expertise in relevant areas of international law, including international trial law and arbitration, the law of human rights and the rights of the child; he is active in promoting the rights of children as Vice-President of the Board of Directors of UNICEF Korea and President of the Korea Childhood Leukemia Foundation;
- He has lectured internationally on Korean law for over 20 academic terms at a number of respected universities in the United States, New Zealand and Australia, and has contributed to the development of international cooperation in legal research.

(e) Professor Song is a national of the Republic of Korea and does not possess the nationality of any other State.

* * *

Personal information

Date of birth: 21 December 1941.

Languages: Korean, English (fluent), French (very good).

Academic background

Visiting Scholar, Harvard Law School, Cambridge, MA, United States of America; American Council of Learned Society Fellow (1978-1979).

Certificate, The Hague Academy of International Law (summer 1978).

Visiting Humboldt Scholar to Hamburg University Law Faculty, Germany (1974-1975).

J.S.D., Cornell Law School, Ithaca, NY, United States (1970).

Diploma in Comparative Legal Studies, Cambridge University, United Kingdom (1969).

LL.M., Tulane Law School, New Orleans, United States, as a Fulbright Fellow (1968).

LL.B., Seoul National University Law School (1963).

Professional background

Professor of Law, Seoul National University (1972-)

- Teaching law of civil procedure, evidence, court process

Dean, Seoul National University Law School (1996-1998)

Lecturer in Law, National Police College, Seoul (1983-)

- Teaching comparative court procedure, discovery, evidence and prosecution

Attorney, Haight, Gardner, Poor & Havens, New York (1970-1972)

- Legal research and opinion writing on maritime and environmental crimes, among other things

Judge Advocate's Office, Korean Army Captain (1964-1967)

- Military prosecutor for the first six months and a military judge for two and a half years, trying criminal cases in the army

Called to the Korean Bar (1964)

Other professional experience

Domestic experience

Member, Advisory Committee to the Minister of Justice, Korea (1981-)

- Regularly meet to deliberate on criminal investigation reform, matters of North Korean refugees, independence of prosecution organization, immigration and prison reform, among other things

Member, Litigation System Reform Committee of the Supreme Court, Korea (1979-)

- Regularly meet to deliberate on the Code and the Court Rules of Criminal Procedure, Penal Code, Code of Civil Procedure, Court Process and Enforcement System

Member, Committee on Clean Government of the Prime Minister (1989-1993)

- Regularly met to deliberate on law reform covering corruption, abuse and certain crimes in the government

International experience

Professorial Fellow with title of Professor, Faculty of Law, University of Melbourne, Australia (2002-)

Visiting Professor, Columbia University Law School, New York (1996)

Inage Rennert Distinguished Professor of Law, Global Law Program, New York University (1994-)

Visiting Professor to the University of Wellington, New Zealand (1994)

Visiting Professor, Harvard Law School (spring 1991, 1995, 1999 and 2003)

- Taught law and society in the developing countries, Korean legal system and criminal procedure, among other things

Visiting Professor, Faculty of Law, University of Melbourne, Australia (summer 1990, 1992 and 1994)

- Taught certain aspects of Korean law, including legal profession, criminal procedure and legal institutions

Visiting Professor, University of Washington (1990, 1994)

Visiting Professor, University of Florida (1989)

Other affiliations

President, The Korean e-commerce Dispute Conciliation Committee, Ministry of Industry and Resources (2001-)

President, The Korean Law Professors Association, Inc. (1999-)

President, The Korea Childhood Leukemia Foundation (1999-)

Member of the Inaugural International Advisory Committee for *The Australian Journal of Asian Law* (University of Melbourne, 1998-)

Vice-President, Board of Directors, UNICEF Korea (1998-)

- Delivered lectures on human rights and children's rights for four years

Member of the International Advisory Board and Australian Advisory Board of the Centre for Corporate Law and Securities Regulation (1996-)

Member of the International Advisory Board for *Pacific Rim Law & Policy Journal* (University of Washington, 1995-)

Decorations and citations

The Legal Culture Award (The Korean Federal Bar Association, 1998)

National Decoration of the Second Highest Order (Moran) (Korean Government, 1996)

The Most Distinguished Alumni Medal (Cornell University, 1994)

Publications

Books

The Korean Civil Procedure (revised ed.) (Korean) (Seoul: Pakyoungsa, 2002).

Korean Law in the Global Economy (Seoul: Pakyoungsa, 1996).

An Introduction to Law and Economic (Korean) (Seoul: Kyungmunsa, 1983).

Introduction to the Law and Legal System of Korea (English) (Seoul: Kyungmunsa, 1983).

Articles

A Review of the Conventions on Human Rights and Children's Rights. *UNICEF Teaching Materials*, pp. 101-121, UNICEF/Korean National Committee (1999).

The Legal Profession in Korea: Problems and Prospects for Reform. *Kobe Law Journal*, vol. 49, No. 2, pp. 119-151 (Kobe University Law Faculty, 1999).

The United Nations and Human Rights. *UNICEF Teaching Materials*, pp. 125-141, UNICEF/Korean National Committee (1998).

Law and Policy of Securities Regulation in Korea. 4 *Pacific Rim Law and Policy Journal*, No. 3, pp. 757-782 (1995).

Ideology and Prospects of the Alternative Dispute Resolution. *The Civil Case Commentaries*, vol. 14, pp. 411-441 (Pakyoungsa, 1992).

South Korean Law and Legal Institutions in Action. In Clark, ed., *Korea Briefing*, vol. pp. 125-146 (The Asia Society, 1991).

Legal Education and Social Justice. In *The University in the Future World*, pp. 321-333 (Yonsei University Press, 1985).

Family Court in Korea. In Nakamura, ed., *Family Law Litigation*, pp. 205-215 (The Comparative Civil Law Institute, Waseda University, 1984).

How to Diversify and Develop Legal Services Areas. Research report submitted to the Minister of Justice, 116 p. (1984).

Domestic Court's Jurisdiction on Foreign State. *Festschriften for Justice Soonwon Bang*, pp. 252-270 (Pakyoungsa, 1984).

A Review on the Federal Appeal System in the U.S., *The Civil Case Commentaries*, vol. 5, pp. 251-258 (Kyungmunsa, 1983).

Functions of the Supreme Court and the Newly Enacted Special Law on Expedition of Litigation. *Korean Federal Bar Association Journal*, vol. 74, pp. 11-19 (Korean Federal Bar Association, 1982).

Review of Class Action. *Seoul Law Journal*, vol. 21, No. 1, pp. 103-114 (The Law Research Institute, Seoul National University, 1980).

Reform of the Appeal System of the Korean Court. Research report submitted to the Supreme Court, 130 p. (1978).

Re-evaluation of Legal Aid and its Modern Themes in Korean Perspective. *Seoul Law Journal*, vol. 17, No. 2, pp. 69-100 (The Law Research Institute, Seoul National University, 1976).

An Analytical Study of Court Cases on the Free Evaluation of Evidence Principle in Korean Procedure. *Seoul Law Journal*, vol. 15, No. 2, pp. 49-90 (The Law Research Institute, Seoul National University, 1974).

39. Steiner, Sylvia Helena de Figueiredo (Brazil)

[Original: English]

Note verbale

The Permanent Mission of Brazil to the United Nations presents its compliments to the Legal Counsel of the United Nations and, with reference to the Secretary-General's note of 13 September 2002, has the honour to inform that Brazil has decided to present the candidature of Ms. Sylvia Helena de Figueiredo Steiner for the post of judge of the International Criminal Court.

... Ms. Steiner is being nominated for inclusion in list A for the purposes of paragraph 5 of article 36 of the Statute.

...

Statement of qualifications

(a) Ms. Steiner, a federal judge for more than seven years in the Federal Court of Appeals of São Paulo, and formerly a federal prosecutor of the same court for 13 years, is a person of high moral character and integrity who possesses the qualifications required by the Brazilian Constitution for appointment to the highest judicial courts (article 36.3 (a)).

Ms. Steiner fulfils the requirements of both article 36.3 (b) (i) and (ii), as is specified in her curriculum vitae. She has established competence in criminal law and procedure and the necessary relevant experience, as judge and prosecutor in criminal proceedings. She also has established competence in relevant areas of international law, in particular the law of human rights, and holds a Master of International Law from the University of São Paulo. Ms. Steiner has been a visiting lecturer of international law of human rights in various universities, and has published *The American Convention on Human Rights*, a book that deals with the Convention's integration and relationship to the Brazilian Criminal Code.

Ms. Steiner was a member of the Brazilian delegation to the Preparatory Commission for the International Criminal Court as well as a member of the Brazilian delegation to the first session of the Assembly of States Parties.

Ms. Steiner is a native Portuguese speaker who also has an excellent knowledge of and is fluent in English. She has a working knowledge of both French and Spanish (article 36.3 (c)).

(b) Although Ms. Steiner holds the necessary requirements to be included in both list A and list B, she is being nominated for inclusion in list A for the purposes of paragraph 5 of article 36 of the Statute.

(c) The information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute is as follows:

(i) Ms. Steiner is qualified and practises in Brazil, which has a civil law legal system;

(ii) Ms. Steiner is a national of Brazil, which is a member of the Latin American and Caribbean group of States;

(iii) Ms. Steiner is female.

(d) Ms. Steiner has legal expertise and experience in a wide range of specific issues relevant to the work of the Court, including, but not limited to the following:

- Public International Law;
- International Criminal Law;
- International Human Rights Law;
- Rome Statute: Elements of Crimes, Rules of Procedure and Evidence;
- Violence against women and children;
- Courtroom experience of criminal cases.

(e) Ms. Steiner is a national of Brazil and does not possess the nationality of any other State.

* * *

Federal Judge, Federal Court of Appeals of São Paulo, Third Region.

Date and place of birth: 19 January 1953, São Paulo, Brazil.

Academic history

Law Graduate, Law School of the University of São Paulo.

Criminal Law, University of Brasilia.

Master's Degree and Doctoral Candidate in International Law, Law School of the University of São Paulo.

Professional activities

Lawyer until 1982.

Member of the Federal Public Ministry, 1982-1995.

Member and Vice-President of the Penitentiary Council of São Paulo for four years.

Federal Judge of the Regional Court of Appeals of São Paulo, 1995-present.

Institutional activities

Founding Associate Member of the Brazilian Institute of Criminal Sciences.

Deputy Director of the *Brazilian Criminal Sciences Journal.*

Member of the Administration Council of the Association of Judges for Democracy.

Member of the Executive Council of the Brazilian Section of the International Law Commission.

Member of the São Paulo Commission for Peace and Justice.

Main published works (in Portuguese)

The American Convention on Human Rights and its Integration into the Brazilian Criminal Process (Editora Revista dos Tribunais, 2000).

The International Criminal Court (co-author) (Editora Revista dos Tribunais, 2000).

When Children Have no Chance (co-author) (Editora Pioneira, 1998).

"Parole and loopholes in criminal law", *Revista dos Tribunais*, No. 669, July 1991.

"The principle of legal reserve and the crime of torture in Brazilian legislation", *Revista do Instituto Brasileiro de Ciências Criminais*, vol. 4, No. 13, 1996.

"The public ministry and trusteeship in criminal investigation". *Revista Justiça Democrática*, Ano 1, 1996.

"The International Criminal Court". *Revista do Instituto Brasileiro de Ciências Criminais*, vol. 7, No. 28, 1999.

"The International Criminal Court". *Revista do Tribunal Regional Federal da 3a. Região*, vol. 41, 2000.

"Ideology and criminal legislation", *Revista do Tribunal Regional Federal da 3a. Região*, vol. 45, 2001.

"The International Criminal Court — The protection of human rights in the 21st century", *Revista do Advogado*, No. 67, 2002.

Main lectures and classes on international law, human rights and international criminal jurisdiction

Lecture at the International Seminar on the International Criminal Court and on the Brazilian Constitution, organized by the Ministry of Justice, the Ministry of Foreign Relations and the Centre for Judicial Studies — Federal Justice.

Lecture at the International Meeting on Human Rights, Criminal Law and Military Law, organized by the Association of Military State Justice Magistrates and the Magisterial National School.

Panellist at the International Congress on Perspectives for Labour Relations in Brazil and Abroad, organized by the Centre for Judicial Studies — Federal Justice.

Opening lecture at the Second Latin-American Congress on Law. Marília, São Paulo.

Lecture at the Seventh International Seminar of the Brazilian Institute of Criminal Sciences.

Lecture at the First International Meeting on Human Rights, organized by the University of São Paulo, Catholic University of São Paulo and Columbia University.

Lecture at the Second Legal Seminar of the State of São Paulo, Ribeirão Preto, São Paulo.

Classes at the Human Rights and Protection of Women's Rights Basic Course Project, organized by the Centre for the Study of State and Society (CEDES), Campinas, São Paulo.

Lecture at the International Seminar on Human Rights Treaties and National Law, organized by the University of São Paulo and the Brazilian Section of the International Law Commission.

Class at the International Humanitarian Law Course, organized by the International Committee of the Red Cross (ICRC), Catholic University in Brasilia and the Rio Branco Institute.

Lecture at the Specialization Course on Human Rights, organized by the School for Higher Studies of the Public Ministry of the State of Bahia and the University of the State of Bahia.

Classes at the Specialization Course on the Criminal Process, São Paulo School of Justice.

Classes at the Basic Course for Corporals and Soldiers of the Military Police — Human Rights Updating Course, organized by ICRC, the Ministry of Justice and the Military Police of the State of São Paulo.

Lectures at the Legal Precedent for Equality Project, organized by the National Magistrates Association in partnership with the International Association of Women Judges and the Inter-American Development Bank. Campinas, São Paulo.

Lecture at the Seminar on the International Criminal Court — Its implementation, organized by the Human Rights Commission of the House of Representatives of the Brazilian Congress.

Lecture at the Meeting on Globalization and Violence against Women, organized by the Brazilian Association of Legal Career Women.

Lecture at the Seminar on International Human Rights Legal Instruments, organized by the National Magistrates Association. Cuiabá, Mato Grosso.

Lecture at the Meeting for Women's Rights Conventions, organized by the Brazilian National Bar Association, Women Lawyer's Commission, São Paulo Section.

Lecture on Universal Jurisdiction, organized by Faculdades do Brasil, Curitiba, Paraná.

Lecture at the Workshop on International Protection of Human Rights and Brazil, organized by the National Superior Court and the State Secretariat for Human Rights.

Lectures on the International Criminal Court at: University of São Paulo; São Paulo Catholic University; Campinas Catholic University; Sergipe Federal University; Mato Grosso State University; Rio Grande do Sul Catholic University; São Paulo City University; University of Ibirapuera; United Metropolitan Faculties; Fundação Armando Alvares Penteado; Faculdades of the City of Ribeirão Preto, São Paulo; School for Superior Studies of the Public Ministry of the State of São Paulo; Public Ministry School of the State of Mato Grosso; School for Superior Studies of the Public Ministry of the State of Bahia; São Paulo Criminal Court.

Other activities

Participation at the United States Information Agency/United States Information Service Program on Management of American Courts, United States, 1991.

Participation in the Interdisciplinary Course on Human Rights, San José, 1994.

Participation in the Brazilian Magistrates Graduating Course, Centre for Legal Studies of Portugal, 2000.

Member of the Brazilian delegation to the Experts Conference on Implementation of Humanitarian Law, San José, 2001.

Member of the Brazilian delegation to the meeting on the implementation of the Rome Statue of the International Criminal Court, Buenos Aires, 2001.

Member of the Brazilian delegation to the Preparatory Commission for the International Criminal Court, United Nations, 1999-2001.

Lecturing Professor at the Fourth Technical and Scientific Workshop of the Fundação Eduardo Santos, Angola, August 2002.

Member of the Brazilian delegation to the first session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, United Nations, September 2002.

40. Tuivaga, Timoci Uluiburotu (Fiji)

[Original: English]

Note verbale

...

I have the honour to advise you that the Government of Fiji has decided to present the candidature of the former Chief Justice of Fiji, Sir Timoci Uluiburotu Tuivaga Kt, CF, CSM.

...

Statement of qualifications

On article 36, paragraph 3, subparagraph (a)

Sir Timoci is a person of high moral character, impartiality and integrity with a congenial but firm personality. Sir Timoci has in his capacity as Chief Justice attained the highest judicial office in his country. Until his retirement from the bench he was one of the longest-serving Chief Justices in the common law jurisdictions, having served for over 22 years from 31 March 1980 to 5 October 1987 and then from 18 January 1988 to 31 July 2002. Sir Timoci has had extensive experience as a judge in both criminal and civil jurisdictions. He was appointed a Puisne Judge of the Supreme Court (later renamed the High Court) in May 1972. This is a trial court of unlimited general jurisdiction.

When the Supreme Court was established as the final court of appeal under the Constitution of the Sovereign Democratic Republic of Fiji 1990, thereby replacing the Privy Council, Sir Timoci as Chief Justice also became concurrently the President of the Court. In the relatively short life of the Supreme Court, Sir Timoci has presided over several cases of jurisprudential and constitutional importance. Sir Timoci has been privileged to have sitting with him on the Supreme Court other distinguished legal luminaries in the region such as Lord Cooke of Thorndon (former President of the New Zealand Court of Appeal and a judicial member of the House of Lords), Sir Anthony Mason and Sir Gerald Brennan (former Chief Justices of Australia), Justice John Toohey (formerly of the High Court of Australia), Sir Thomas Eichelbaum, (former Chief Justice of New Zealand), Sir Arnold Amet, Chief Justice of Papua New Guinea, and Chief Justice Falefatu Sapolu of Samoa.

During his tenure as a Puisne Judge and Chief Justice, Sir Timoci has been for almost 30 years exercising the criminal and appellate jurisdiction of the High Court. The jurisdiction of this Court is contained in section 120 of the 1997 Constitution, which provides as follows:

> "Jurisdiction of the High Court
>
> "120. (1) The High Court has unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such other original jurisdiction as is conferred on it under this Constitution.
>
> "(2) The High Court also has original jurisdiction in any matter arising under this Constitution or involving its interpretation.

> "(3) The High Court has jurisdiction, subject to the conferral of Parliament of rights of appeal and to such requirements as the Parliament prescribes, to hear and determine appeals from all judgements of subordinate courts.
>
> "(4) If in any proceedings in a subordinate court any question arises as to the interpretation of this Constitution and the member presiding in the proceedings considers that a substantial question of law is involved, the member presiding must refer the question to the High Court.
>
> "(5) When the High Court gives its decision on a question referred to it under subsection (4), the court in which the question arose must dispose of the case in accordance with:
>
> "(a) The decisions; or
>
> "(b) If the decision is the subject of appeal to the Court of Appeal or to the Supreme Court, the decision of the Court of Appeal or Supreme Court, as the case may be.
>
> "(6) The High Court has jurisdiction to supervise any civil or criminal proceedings before a subordinate court and may, on an application duly made to it, make such orders, issue such writs and give such directions as it considers appropriate to ensure that justice is duly administered by the subordinate court."

As President of the Supreme Court, Sir Timoci has according to circumstances exercised on several occasions the jurisdiction of the Court, which is contained in section 122 of the 1977 Constitution. The section states:

> "Jurisdiction of the Supreme Court
>
> "122. (1) The Supreme Court has exclusive jurisdiction, subject to such requirements as the Parliament prescribes, to hear and determine appeals from all final judgements of the Court of Appeal.
>
> "(2) An appeal may be brought from a final judgement of the Court of Appeal unless:
>
> "(a) The Court of Appeal gives leave to appeal on a question certified by it to be of significant public importance; or
>
> "(b) The Supreme Court gives special leave to appeal.
>
> "(3) In the exercise of this appellate jurisdiction, the Supreme Court has power to review, vary, set aside or affirm decisions or orders of the Court of Appeal and may make such orders (including an order for a new trial and an order for award of costs) as are necessary for the administration of justice.
>
> "(4) Decisions of the Supreme Court are, subject to subsection (5), binding on the courts of the State.
>
> "(5) The Supreme Court may review any judgement, pronouncement or order made by it."

Since attaining its independence in 1970, Fiji, like many other countries, has been in a state of transition. With some countries the transition has been violent and dramatic, while in others the changes have been more measured and orderly. In the case of Fiji the transition has not been altogether smooth sailing by any means, having itself experienced two military coups d'état in 1987 (14 May and 25 September) when the democratically elected Government of then Prime Minister Dr. Timoci Bavadra was ousted. More recently, on 19 May 2000, there was further destabilization of the country when the democratically elected Government of Prime Minister Mahendra Chaudry was overthrown, but this time by a civilian insurgency with the assistance of a few disgruntled, dissident soldiers of the Fiji Military Forces. Sir Timoci was Chief Justice during these traumatic periods in the history of Fiji. Sir Timoci believes the role he played during both constitutional crises helped to some extent in the return of the country to normalcy.

Sir Timoci has written and delivered two conference papers touching broadly on the judiciary's experiences during those turbulent times. The first conference paper is titled "The Judicial System in Fiji — Looking Back Past 10 Years or so", delivered at the Fiji Law Society Convention in September 1998, and the other is titled "Independence of Judges and the Judiciary during Political and Constitutional Upheavals", delivered at the fourteenth South Pacific Judicial Conference at Noumea, in September 2001.

On article 36, paragraph 3, subparagraph (b) (i)

Sir Timoci has established vast competence in criminal law and procedure which is the result of many years of conducting criminal trials as a judge with years of prior experience as prosecutor and advocate in criminal proceedings.

From July 1958 to July 1961, Sir Timoci served as a magistrate in the Native Court System under the Fijian Administration, rising subsequently to the senior position of Supervising Native Magistrate. In the then prevailing British colonial set-up, Fiji had a dual court system running concurrently and constituting the National Court and the Native Court. The jurisdiction of the Native Court only applied to indigenous people of the country, whereas the jurisdiction of the National Court extended to everyone without exception. The Native Court was conducted in the vernacular (Fijian language) and dealt with criminal and civil matters under the Fijian Regulations.

After graduating as a Barrister-at-Law from Gray's Inn, London in 1964, Sir Timoci joined the Attorney General's Chambers in 1965 as Crown Counsel. As Crown Counsel his functions were, inter alia, to prosecute crimes and advise on police criminal investigations. Sir Timoci undertook a six-month attachment on criminal prosecutions with the New South Wales Attorney-General's Department in Sydney, Australia. At the end of the attachment, Sir Timoci was admitted as a Barrister-at-Law in the Supreme Court of New South Wales, Australia. In 1970, Sir Timoci was a participant with other government lawyers from the Commonwealth in an International Law and Legal Drafting Course in London. Upon his return to Fiji after six months, Sir Timoci was appointed to act as Director of Public Prosecutions, in which capacity he had overall charge of prosecution of serious indictable offences. These offences included homicide, rape and fraud.

As noted above, Sir Timoci was appointed a Puisne Judge in 1972. He acted for a period as Chief Justice of Fiji in 1974 and was appointed substantively as Chief Justice in March 1980. Although as head of the judiciary Sir Timoci carried a heavy administrative work schedule, he continued throughout to sit on criminal trials and appeals. In this work, a good grasp of criminal evidence, procedure and practice was essential. Some of the trials involved the interpretation of human rights laws under the Bill of Rights contained in the 1997 Constitution. Human rights laws now figure more frequently in criminal trials. They are utilized to impugn evidence of alleged confessional statements and to seek rejection of prejudicial materials on grounds of general unfairness in the conduct of police investigations.

Sir Timoci has acted as Governor General in his capacity as Chief Justice from time to time between 1983 and 1986 pursuant to section 28 of the 1970 Constitution.

On article 36, paragraph 3, subparagraph (c)

Sir Timoci fulfils the language requirements in respect of one of the two working languages of the Court, namely English, in which he is proficient. He is also proficient in his own mother tongue, which is the Fijian language.

On article 36, paragraph 4

The Government of Fiji has selected the procedure set out in article 36 (4) (a) (i), which states: "By the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question".

On article 36, paragraph 5

Sir Timoci is being nominated for inclusion on list A for the purposes of the provisions of the Rome Statute.

Sir Timoci is a Fiji Island national. Fiji is also a member of the South Pacific Commission, the Pacific Islands Forum, the Commonwealth and the United Nations.

His gender is male.

* * *

Date of birth: 21 October 1931

Education qualifications and honours

Educated at

1952	St. Bede's College, Christchurch, New Zealand
1954-1957	University of Auckland, New Zealand
1961-1964	Gray's Inn and King's College, London University

Qualifications obtained

1957	Bachelor of Arts (Economics), Auckland University, New Zealand
1964	Barrister-at-Law (Gray's Inn), London
1965	Barrister and Solicitor of the Supreme Court of Fiji Barrister-at-Law (New South Wales) and High Court of Australia

Honours received

1960	Justice of the Peace for Fiji
1965	Commissioner for Oaths

1970	Independence Medal
1981	Knight Bachelor
1995	Companion of the Order of Fiji

Career and experience

1957-1958	Temporary Clerk, Mines Department
1958-1961	Native Magistrate
1965-1972	Crown Counsel Principal Legal Officer Crown Solicitor Acting Director of Public Prosecutions
February-June 1968	Attachment with New South Wales Attorney-General's Department, Sydney
1970-1971	Participant in Court in International Law and Legal Drafting
1972-1980	Judge of the Supreme Court of Fiji
1974	Acting Chief Justice
March 1980 until October 1987	First Local Chief Justice of Fiji (took voluntary retirement in 1987 after takeover by the military)
1983-1986 (intermittent)	Acted as Governor-General of Fiji
18 January 1988-31 July 2002	First Chief Justice of the Republic of Fiji

Conferences/Continuing judicial education

January 1974	Australasian Judges' Conference in Canberra
May/June 1980	Second International Appellate Judges' Conference in Sydney and Commonwealth Chief Justices' Conference, Canberra
May 1982	Fifth South Pacific Judicial Conference, Canberra
September 1982	Commonwealth Magistrates' Conference in Trinidad
July 1983	Australian Legal Convention, Brisbane, Queensland
August/September 1983	United States International Visitor
September 1983	Seventh Commonwealth Law Conference, Hong Kong, SAR

March 1984	Third International Appellate Judges' Conference and Commonwealth Chief Justices' Conference, New Delhi
October 1984	World Intellectual Colloquium of Judges, Sydney
August 1985	First Lawasia Justices' Conference, Penang, Malaysia
January 1986	Supreme Court Judges and Federal Court Judges' Conference, Adelaide, Australia
September 1986	Eighth Commonwealth Law Conference, Ocho Rios, Jamaica
September 1986	International Conference on Terrorism and Violence, Holyoke, Massachusetts, United States of America
March 1987	Seventh South Pacific Judicial Conference, Auckland, New Zealand
April 1987	Fourth International Appellate Judges' Conference and Commonwealth Chief Justices' Conference, Kuala Lumpur
April/May 1989	Eighth South Pacific Judicial Conference, Kauai, Hawaii
November/December 1989	Third Lawasia Chief Justices' Conference, Manila
September 1990	Fifth International Appellate Judges' Conference, Washington, D.C.
April/May 1991	Ninth South Pacific Judicial Conference, Papeete, Tahiti
September 1991	Fourth Lawasia Chief Justices' Conference, Perth, Australia
27 October-8 November 1991	Courses in dispute resolution and judicial writing, National Judicial College, University of Nevada, Reno, United States of America
11-16 November 1991	Observing court administration and technology, San Diego, California, and Honolulu, Hawaii
17-21 February 1992	Judicial Orientation Workshop, Rotorua, New Zealand
March 1992	Meeting of Pacific Institute of Judicial Administration, Honolulu, Hawaii
January 1993	Supreme Court and Federal Court Judges' Conference, Hobart, Tasmania
May 1993	Tenth South Pacific Judicial Conference, Yanuca Island, Fiji

12-16 September 1993	Fifth Lawasia Chief Justices' Conference, Colombo
January 1994	Supreme Court and Federal Court Judges' Conference, Melbourne, Australia
January 1995	Appellate Judges' Seminar, Honolulu, Hawaii
February 1995	Eleventh South Pacific Judicial Conference, Guam
6-8 October 1998	Third Asia-Pacific Courts Conference, Shanghai, China
28 June-2 July 1999	Thirteenth South Pacific Judicial Conference, Apia
25-28 July 1999	Papua New Guinea National Legal Convention, Port Moresby
7-10 September 1999	Eighth Lawasia Chief Justices' Conference, Seoul
24-28 September 2001	Fourteenth South Pacific Judicial Conference, Noumea
4-8 October 2001	Ninth Lawasia Chief Justices' Conference, Christchurch, New Zealand

41. Ušacka, Anita (Latvia)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Latvia to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his note of 13 September 2002, has the honour to inform him that the Government of the Republic of Latvia has decided to nominate Professor Anita Ušacka as a candidate for election as a judge of the International Criminal Court at the elections to be held during the second part of the first meeting of the States Parties to the Statute of the International Criminal Court, in February 2003.

According to paragraph 5 of article 36 of the Rome Statute of the International Criminal Court, Professor Anita Ušacka is nominated for inclusion in list B.

...

The Government of Latvia believes that Professor Ušacka's courtroom experience, deep knowledge of international human rights and expertise in gender issues make her an outstandingly well-qualified candidate for the position of judge in the International Criminal Court. Her candidature is also highly recommended by the International Association of Women Judges and the Centre for Women's Global Leadership.

...

With reference to paragraph 4 of article 36 of the Rome Statute of the International Criminal Court, Professor Anita Ušacka was nominated in accordance with the procedure for the nomination of candidates for appointment to the highest judicial offices of Latvia. The Ministry of Justice of the Republic of Latvia selected her for nomination based on her established competence in relevant areas of international law, including international humanitarian law and the law of human rights, and extensive courtroom experience within the Latvian legal system.

...

Statement of qualifications

Date and place of birth: 26 April 1952, Riga.

Languages: Latvian — native.
English — fluent.
Russian — fluent.

Academic background

1976-1980	Postgraduate course at the Faculty of Law of the Moscow State University.
1970-1975	Faculty of Law of the University of Latvia; specialty, Legal Sciences.

Academic degrees

2002	Professor.
1999	Associate Professor.
1993	Academic title of Docent.
1992	Doctor of Legal Sciences (Dr. iur.)
1984	Docent of the Department for Fundamental Legal Studies, University of Latvia.
1980	Candidate of Legal Sciences.

Professional career

Since 1996	Judge at the Constitutional Court of the Republic of Latvia.
Since 2002	Professor at the Department of State Law.
Since 1999	Associate Professor at the Department for Fundamental Legal Studies, University of Latvia.
1999-2001	Associate Professor at the Riga Graduate School of Law.
1994-1996	Executive Director of the Latvian branch for UNICEF.
1989-1996	Head of the Department for Fundamental Legal Studies, University of Latvia.
1982-1999	Docent at the Department for Fundamental Legal Studies, University of Latvia.
1980-1982	Main lecturer of Department for Fundamental Legal Studies, University of Latvia.
1976-1980	Postgraduate studies at Moscow State University.
1975-1976	Assistant at the Department for Fundamental Legal Studies, University of Latvia.

Pedagogical activities (last six years)

For the past six years — a scientific leader of 20 Master theses.

Delivered lectures

Public Law (Master Programme in Public Administration, University of Latvia).

Introduction to Comparative Law (Master Programme in International Relations and Law, Professional Studies of European Affairs, University of Latvia).

Fundamental Legal Sciences (Bachelor Programme in Management Sciences, University of Latvia).

Human Rights (Bachelor Programme in Health Care, University of Latvia).

Introduction to Law (Bachelor Programme in Economics, University of Latvia).

Comparative International Law (Master Programme in International and European Law, Riga Graduate School of Law).

Human Rights (Civil Servants, State Administration School of Latvia).

Comparative Constitutional Law (Visiting Professor at the Lewis and Clark School of Law in Portland, United States of America, May-June 2002).

Constitutional Development in Latvia, Renewal of the Independence and Succession of the State; Problems of Human Rights; Rights of the Minorities in Latvia (Visiting Professor at Robert Schumann University, Strasbourg, 1999).

Participation with other organizations (last six years)

Member of the International Women-Lawyers Association (since 1997).

Member of the Subcommission of the Council of Europe on Constitutional Legal Procedure.

National expert of the EU Expert Group on evaluating Justice and Home Affairs in the Republic of Latvia in the context of enlargement of EU (to prepare a conclusion on the possibility of Latvia joining EU), December 2001.

Expert of the group elaborating the concept of the New Law on Judicial Power (2002).

Member of the Board of Lawyers Training Centre of Latvia.

Member of the Study Council of the University of Latvia.

Member of the Editorial Board of the Journal *Law and the Rights*.

Participation in Seminars with Latvian and foreign universities or research institutes

October 2002	Intensive training, "Gender, Justice and the ICC", offered by academic experts in international criminal and human rights law to unravel the complexities of the Rome Statute. The programme is designed to prepare distinguished women judges to take seats on the newly established International Criminal Court.
September 2002	International conference, "Public law and risk" at the Centre of Public Law, Athens.
September 2002	International seminar, "Constitutional claim at the Constitutional court", Riga.
January 2002	Training programme on EU law for judges in Warsaw (PHARE programme).
October 2001	Training programme on EU law for judges in Krakow, Poland (PHARE programme).
2001	Acquiring experience at the State courts of Oregon and California (United States), research work at the Lewis and Clark School of Law.
2000	Training programme, "Topical Problems of Public Law", at the Centre of Public Law, Athens.
2000	Research work at the Lewis and Clark School of Law.

1999	Acquiring experience at the Supreme Court and other courts of Canada.
1999	Acquiring of experience at the courts and legal institutions of Copenhagen.
1998	In-service training at the Constitutional Council and the Council of the State of France.
1997	Summer school of the Central European University on administrative law in Budapest.
1997	Study course at the United States Supreme Court, other courts and universities.
1997	Acquiring of experience at the European Court (Luxembourg).
1994	Research at the Max Plank Institute of Comparative Rights, Germany.
1993	Research at Notre Dame University, United States.
1992	In-service training at the International Human Rights Institute in Strasbourg.

Scientific activities and publications (last six years)

Participation and leadership within international research projects

Research at the Open Society Institute "Monitoring the EU Accession Process: Judicial Independence". Report, Latvia, Open Society Institute, 2001.

Project: "Administrative Law in Central and Eastern Europe (1996-1998)", sponsored by the Open Society Institute.

Project: "Research on Direct Democracy in Eastern and Central European States" (Budapest, 1997).

Chair of the Cooperation Programme between the Northwestern School of Law of Lewis and Clark College (United States) and the Faculty of Law of the University of Latvia (1 September 1998-31 August 2001).

Project: "Creation of Efficient Administration in Latvia" (OSCE, Human Rights Centre of Denmark and Latvian State Administration School).

Member of Latvian or international projects or councils

International Expert of the Uppsala University (Sweden) Promotion Committee for the defence of Doctor's theses by Ms. Carolina Taube: "Constitutionalism in Estonia, Latvia, Lithuania. A study in Comparative Constitutional Law", Uppsala, Sweden, May 2001.

Expert of the Promotion Council in the branch of legal sciences, sub-branch — state law.

Expert of the Soros Foundation — Latvia for the translation series "Individual and the Society".

Expert and member of the Legal Programme of the Soros Foundation — Latvia.

Elaboration of a Theoretical Concept on Approximation of Procedural Provisions of Latvian Laws with European Standards (under the guidance of Prof. E. Melkisis).

Publications

Ten Years of Constitutional Development in Latvia after the Renewal of Independence. "The Constitutional Revision in Today's Europe". London, Esperia Publications Ltd., 2002, pp. 309-318.

"Europa Wshodnia-Ameryka Lacińska. Pozycja jednosti i system rządu". Wrocław Wydawnictwo Uniwersytetu Wrocławskiego, 2002, pp. 184-188. (Constitutional Guarantees of Human Rights in Latvia. Wrocław, Wydawnictwo Uniwersytetu Wrocławskiego, 2002, pp. 184-188.)

Judicial Independence in Latvia. "Monitoring the EU Accession Process: Judicial Independence". Central European University Press. Hungary 2001, pp. 225-266.

Direct Democracy in Latvia. Country Report. "Direct Democracy: The Eastern and Central European Experience". Ashgate Publishing Limited. Aldershot, Burlington, United States, Singapore, Sydney, 2001, pp. 94-108.

Techniques and Procedures for Popular Votes. "Direct Democracy: The Eastern and Central European Experience". Ashgate Publishing Limited. Aldershot, Burlington, United States, Singapore, Sydney, 2001, pp. 256-263.

The Impact of the European Integration Process on the Constitution of Latvia. "EU Englargement. The Constitutional Impact at EU and National Level". The Hague, 2001, pp. 337-346.

International Human Rights and their Historical Development. *The Law and the Rights*, vol. 2, pp. 326-331, November 2000 (No. 11).

Some Problems on Domestic Violence against Women in Latvia: Legal Aspects. "Bringing International Human Rights Law Home". New York, United Nations, 2000, pp. 196-199.

On Different Problems of Legal Ethics in the World and in Latvia. The Law and the Rights, vol. 1, pp. 49-52, October (No. 2).

Administrative Law in Latvia. *Administrative Law in Central and Eastern Europe (1996-1998)*. Budapest, CEU Press, 1999, pp. 139-176.

The Natural Principle of Justice and the Administrative Process. Procedural Justice. Riga, Latvia University, 1998, pp. 13-20.

The European System of Protecting Human Rights, *Latvijas Vēstnesis*, 7 May 1998, No. 127.

Children's Protection as a Constituent Part of International Human Rights. Issues on Living Conditions. Social work: Conclusions, Experience and Practice. Riga, 1996, pp. 109-113.

Grunzúġder Entwicklung des Rechtssystems Lettlands seit der Unabhängigkeitserklärung von 1990. *Recht in Ost and West*, No. 3, 1995.

Educational and methodical literature

Curriculum of Public Law Courses at the Department of General Law, University of Latvia, Riga, Latvia. *Administrative Law.* Budapest, 1997, pp. 91-94.

Case Study: "The Powers of Parliament and Government in Latvia. Administrative Law", Budapest, 1997, pp. 118-120.

Elaboration of the State Administration School training programme and course for civil servants to qualitatively carry out the training process of State civil servants. The course includes: development of international human rights; the legal system of the Republic of Latvia and international norms incorporated into it; the United Nations system for the protection of human rights and the European system for the protection of human rights (on request of the State Human Rights Bureau; Agreement No. 226, 16 December 1997).

Other articles, published in Latvian and foreign editions

Interpretation of chapter 8, "Fundamental Human Rights", in Constitutional Court Judgements. *Latvijas Vēstnesis*, 27 November 2001, No. 171.

International Human Rights and their Historical Development. *Law and the Rights*, vol. 2, November 2000 (No. 11), pp. 326-331.

On several problems of legal ethics in the world and in Latvia. *Law and the Rights*, vol. 1, October 1999. No. 2, pp. 49-52.

Reports delivered at international scientific conferences

"Fundamental Human Rights and Interpretation of the Satversme (Constitution) in the Constitutional Court Judgements. Interpretation and its Direct Application", Vilnius Conference, 15-16 March 2002.

"Judges as guardians of the Constitution: *Strict* or *Liberal* Interpretation", Conference on "Old and New Constitutions. Constitution as the document of possible changes". Oslo, 31 January-1 February 2002.

International Workshop of the Constitutional Court of the Republic of Latvia and the German Foundation for International Cooperation, "Protection of Human Rights at the Constitutional Court", 9-10 November 2001. Report (Interpretation of the *Satversme* (Constitution), chap. 8, The Fundamental Human Rights" in the Constitutional Court Judgements) has been published in *Lawyer's Word*, No. 230, 11 November 2001.

"Constitutional Changes in Ten Years after Re-establishment of Independence", Conference held in Athens, from 7 to 9 December 2001.

Constitutional Guarantees of Human Rights in Latvia, delivered at the conference at Wrocław University, Poland on 20 and 21 September 2001 and published in the book *Europa Wshodnia-Ameryka Łacińska. Pozycja jednosti i system rządu.* Wrocław, Wydawnictwo Uniwersytetu Wrocławskiego, 2002, pp. 184-188.

"The Present Independence Status of Judges in Latvia", delivered at the Conference on "Independence of the Judges and the Issues of Public Trust: The Baltic States and Poland", Vilnius, 2-3 March 2000.

"The Constitutional Impact of the European Integration Enlargement (at EU and national level)" at a Conference held at The Hague, 20-23 September 2000. The report has been published in the book *The Impact of the European Integration Process on the Constitution of Latvia. EU Enlargement. The Constitutional Impact at EU and National Level*. The Hague, 2001, pp. 337-346.

"Some Problems of Domestic Violence against Women in Latvia: Legal Aspects". Report delivered at the meeting of judges on issues of the Convention on the Rights' of the Child and Convention on the Elimination of All Forms of Discrimination against Women in Vienna, in October 1999 and published in *Bringing International Human Rights Law Home*. United Nations, New York, 2000, pp. 196-199.

"Courts in Latvia and Independence of the Judicial Power", delivered at the Annual Conference of the Latvian Lawyers' Association in Washington, DC, on 1 and 2 October 1998.

"The Child as a Witness, its Legal Status in Latvian Legislation", delivered at the Conference of the International Women Lawyers Organization in Ottawa, 21-24 May 1998.

"Exploitation of Prostitution by the Third Party (Human Rights Aspects)", delivered at the International Conference of the International Women Lawyers Organization and the Association of Italian Judges in Rome, November 1997.

"Case study: The Powers of the Parliament and Government in Latvia" delivered at the Administrative Law Conference in Budapest, 1 May 1997 and published in *Administrative Law*. Budapest 1997, pp. 118-120.

42. Yáñez-Barnuevo, Juan Antonio (Spain)

[Original: English/French/Spanish]

Note verbale

The Permanent Mission of Spain to the United Nations presents its compliments to the United Nations Secretariat and, in connection with its note of 13 September 2002 concerning elections to membership of the International Criminal Court, which will take place at the first resumed session of the Assembly of States Parties next February, has the honour to inform it that the Spanish Government has decided to submit the candidature of Ambassador Juan Antonio Yáñez-Barnuevo for one of the posts of judge of the Court.

In submitting this candidature, the Spanish Government took account of the proposal by the Spanish Group of the Permanent Court of Arbitration, in accordance with the provisions of article 36, paragraph 4 (a) (ii), of the Statute of the Court.

... The candidature of Ambassador Yáñez-Barnuevo is submitted for inclusion in list B for the purposes provided for in article 36, paragraph 5, of the Statute.

Attached is Ambassador Yáñez-Barnuevo's curriculum vitae, which clearly shows his extensive experience in the field of international law and international institutions and demonstrates that he is exceptionally capable and prepared for occupying the post of one of the judges of the International Criminal Court. Suffice it to say that he has made a remarkable contribution to the field of international criminal justice through his distinguished participation in the establishment of the International Criminal Courts for the Former Yugoslavia and for Rwanda during his term as representative of Spain on the Security Council and his later involvement in the drafting of the Rome Statute of the International Criminal Court and its supplementary instruments from his position as head of the Spanish delegation to the Rome Conference, the Preparatory Commission and the Assembly of States Parties.

The Spanish Government is strongly committed to the speedy establishment and effective functioning of the International Criminal Court, as befits Spain's long tradition of involvement in the development and application of international law. The submission of Ambassador Yáñez-Barnuevo's candidature is in line with this determination to contribute to the consolidation, effectiveness and viability of a new institution, whose work should enjoy the full support of the international community.

Statement of qualifications

The Spanish Government submits the candidature of Ambassador Juan Antonio Yáñez-Barnuevo to become one of the 18 judges of the International Criminal Court to be elected by the Assembly of States Parties to the Rome Statute in February 2003.

The nomination of Ambassador Yáñez-Barnuevo has been made by the Spanish Group of the Permanent Court of Arbitration, in accordance with article 36, paragraph 4 (a) (ii), of the Rome Statute.

In the view of the Group, and of the Government, Ambassador Yáñez-Barnuevo has the high moral character, impartiality and integrity, as well as the qualifications required for appointment to the highest judicial offices in Spain, as stipulated in article 36, paragraph 3 (a), of the Statute.

As his curriculum vitae shows, Ambassador Yáñez-Barnuevo has an established competence in relevant areas of international law, such as international humanitarian law, human rights law and international criminal law, together with extensive experience of working in international institutions and other posts in a professional legal capacity of relevance to the judicial work of the Court, as required by article 36, paragraph 3 (b), of the Statute.

As required under article 36, paragraph 3 (c), of the Statute, Ambassador Yáñez-Barnuevo has an excellent knowledge of and is fluent in both the working languages of the Court, English and French, as well as his native language, Spanish, which is also an official language of the International Criminal Court.

In view of his most relevant professional experience, the candidature of Ambassador Yáñez-Barnuevo is submitted for inclusion in list B for the purposes provided for in article 36, paragraph 5, of the Statute.

As regards the provisions contained in article 36, paragraph 8, of the Statute relating to the overall composition of the Court, the following information is provided:

As to paragraph 8 (a) (i): As a Spanish jurist, Ambassador Yáñez-Barnuevo has been trained and has acquired his most relevant experience within the Romano-Germanic legal system, more specifically within the Ibero-American legal tradition.

As to paragraph 8 (a) (ii): Ambassador Yáñez-Barnuevo is a national of Spain, which belongs within the United Nations to the Western European and Other States Group.

As to paragraph 8 (a) (iii): Ambassador Yáñez-Barnuevo is male.

As to paragraph 8 (b): As a member and Vice-Chairman of the International Humanitarian Fact-Finding Commission established under article 90 of Additional Protocol I to the 1949 Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, Ambassador Yáñez-Barnuevo is especially qualified in all aspects of the investigating and determining of facts concerning allegations of serious violations of international humanitarian law, including cases of violence against women and children or other persons belonging to the civilian population.

* * *

Ambassador at large, Head of the International Legal Department, Spanish Ministry for Foreign Affairs.

Head of the Spanish delegation in the negotiations leading to the establishment of the International Criminal Court.

Vice-Chairman of the International Humanitarian Fact-Finding Commission.

* * *

Born 1942 in Coria del Río, Seville.

First Prize in Baccalaureate (1958). University studies at the Seville and Madrid Faculties of Law (1958-1963). Master of Laws, Complutense University of Madrid (1963), where he also pursued doctoral studies.

Specialized in international law and international relations at the Madrid School for the International Civil Service (1964-1966); the Hague Academy of International Law (1965 and 1966) and its Research Centre (1970); the Diplomatic School, Madrid (1966-1968); and Queens' College, Cambridge University, United Kingdom (1974). Diploma in International Law, Cambridge University (1976).

Assistant professor, then Director of Studies, in Public International Law and International Relations at the Faculties of Law and Political and Economic Sciences, Complutense University of Madrid (1964-1970 and 1996-1998).

After passing competitive examinations at the Diplomatic School in 1966, he joined the Foreign Service in 1968. Legal adviser at the International Legal Department of the Ministry for Foreign Affairs (1968-1970 and again, as Deputy Head of the Department, 1975-1978). Secretary at the Permanent Mission of Spain to the United Nations, New York (1970-1973). Deputy Permanent Representative of Spain to the Council of Europe, Strasbourg, France (1978-1982).

During this period, he was a representative of Spain to the Sixth Committee (Legal) of the United Nations General Assembly, where he took part in the elaboration of the Convention on Special Missions (1969) and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973), and to various conferences on the codification and progressive development of international law, including the United Nations Conferences on the Law of Treaties (1969), on the Law of the Sea (1974-1977), on the Representation of States in their Relations with International Organizations (1975) and on the Succession of States in respect of treaties (1977), as well as the preparatory phase of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva.

He also took part in the preparation of Spain's accession to several international human rights instruments, in particular the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the European Convention on Human Rights and Fundamental Freedoms, including the acceptance by Spain of the jurisdiction of the European Court and of the competence of the European Commission to entertain individual applications.

Director of the International Department in the Prime Minister's Office and, as such, diplomatic adviser to the Prime Minister (1982-1991). In that capacity, he was a member of various interdepartmental committees and working groups, including those charged with coordinating the negotiations for the accession of Spain to the European Communities and to the Western European Union and with developing Spain's participation in the North Atlantic Treaty Organization (NATO).

Ambassador, Permanent Representative of Spain to the United Nations (1991-1996). As such, he was the representative of Spain at the General Assembly and the Economic and Social Council. He also represented Spain in the Security Council (1993-1994), which he chaired twice and where he actively participated in the creation of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda.

Head of the Spanish delegation to the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Vice-Chairman of the United Nations General Assembly Working Group on an Agenda for Peace. Member of the Groups of Friends of the Secretary-General on El Salvador and Guatemala.

Deputy Director of the Diplomatic School, Madrid (1996-1998). Alternate Chairman of the Jury for the competitive examinations to the Foreign Service (1997-1998). Elected member of the Board of the Foreign Service (2002-2003).

Ambassador, head of the Spanish delegation to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, 1998) and previously to its Preparatory Committee, to the Preparatory Commission for the International Criminal Court (New York, 1999-2002) and to the Assembly of States Parties to the Court (2002). Signatory, on behalf of Spain, of the Rome Statute of the International Criminal Court.

In recognition of his endeavours, he received jointly with the rest of the Spanish delegation, the Francisco Tomás y Valiente prize for activities to foster solidarity, tolerance and peace (1998). He was designated "Jurist of the Year" by the Alumni Association of the Faculty of Law, Complutense University (1999) and received a certificate of recognition from the NGO Coalition for the International Criminal Court (2001).

His tasks as Ambassador at large since 1998 include the follow-up to the Rome Conference with a view to the effective establishment of the International Criminal Court and the coordination of Spain's contribution to the activities of the International Criminal Court Tribunals for the Former Yugoslavia and for Rwanda. He also heads the interdepartmental working group that formulates Spain's position on international criminal justice.

Since August 2002 he has also been Head of the International Legal Department of the Ministry for Foreign Affairs and in that capacity sits on several interdepartmental committees.

Since 1999 he has been on the list of eminent persons at the disposal of the Secretary-General of the United Nations in order to assist him in his functions involving preventive diplomacy and conflict resolution. Since 2002 he has also been a member of the list of conciliators established in accordance with Annex V of the United Nations Convention on the Law of the Sea.

Member (2002-2006) and Vice-Chairman (2002-2003) of the International Humanitarian Fact-Finding Commission established under Additional Protocol I to the 1949 Geneva Conventions relating to the Protection of Victims of International Armed Conflicts.

Professor at the Spanish Red Cross Centre for International Humanitarian Law Studies. Professor Adjunct in humanitarian law and international criminal law at the Faculty of International Law, Seville University (2002-2003).

Member of the Spanish Association of Professors of International Law and International Relations, the Spanish Association for European Law, the International Law Association and the American Society of International Law.

Member of the Governing Board of the Elcano Royal Institute for International and Strategic Studies, of the Advisory Board of the Francisco de Vitoria Institute of the Carlos III University of Madrid, of the Honorary Committee of the Royal Institute for European Studies, Saragossa University, and of the Advisory Board of the International College, Spain.

Author of a number of studies on international issues. Together with other specialists, he received the 1999 Rafael Martínez Emperador Prize, awarded by the General Council of the Judiciary (CGPJ), for the collective work *La criminalización de la barbarie: la Corte Penal Internacional*, edited by Professor Juan Antonio Carrillo Salcedo (Madrid, CGPJ, 2000). Recently he edited the collective work *La justicia penal internacional: Una perspectiva iberoamericana* (Madrid, Casa de América, 2001).

Mother tongue: Spanish. Excellent knowledge of English and French. Understands Italian and Portuguese.

* * *

A meeting of the Spanish Group of the Permanent Court of Arbitration was held at Madrid on 17 September 2002, attended by Mr. José Manuel Lacleta Muñoz (former Ambassador of Spain), Mr. Santiago Torres Bernárdez (former Registrar of the International Court of Justice), Juan Antonio Carrillo Salcedo (Professor of International Law and former judge of the European Court of Human Rights) and José Antonio Pastor Ridruejo (Professor of International Law and judge of the European Court of Human Rights). In view of the fact that the Rome Statute of the International Criminal Court, to which Spain is a party, entered into force on 1 July 2002 and that the first election of judges of the Court has commenced, the purpose of the meeting is to propose a Spanish candidate as one of the judges of the Court in accordance with article 36, paragraph 4 (a) (ii), of the Statute.

After due deliberation, the Group notes, for the purposes of article 36, paragraph 3, of the Statute of the Court, that Ambassador Juan Antonio Yáñez-Barnuevo, currently Head of the International Legal Department of the Spanish Ministry for Foreign Affairs, is a person of high moral character who is known for his impartiality and integrity; that he possesses the qualifications required in Spain for appointment to the highest judicial offices; that he has established competence in relevant areas of international law such as international humanitarian law and human rights law; and, finally, that he has an excellent knowledge of both working languages of the Court, English and French. In view of these circumstances, the Group proposes to the Spanish Government that the candidature of Ambassador Yáñez-Barnuevo be submitted for the first election of judges to the Court.

This I certify as coordinator and secretary of the Spanish Group of the Permanent Court of Arbitration, in the place and on the date indicated above.

(*Signed*) José Antonio **Pastor Ridruejo**

* * *

On 27 November 2002, the Foreign Affairs Committee of the Spanish Congress of Deputies unanimously adopted the following motion:

> "The Congress of Deputies endorses the candidacy of Ambassador Juan Antonio Yáñez-Barnuevo for election as a judge of the International Criminal Court and considers that, in addition to his high moral character, impartiality and integrity, he fulfils the other conditions set forth in the Rome Statute for election to the Court".

The Foreign Affairs Committee of the Spanish Senate, for its part, unanimously adopted the following motion on 4 December 2002:

> "The Foreign Affairs Committee of the Senate hereby expresses to the Government its unanimous support for the candidacy of His Excellency Mr. Juan Antonio Yáñez-Barnuevo García, whom Spain has nominated for election as a judge of the International Criminal Court".

43. Zielińska, Eleonora (Poland)

[Original: English]

Note verbale

The Permanent Representative of the Republic of Poland to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his note of 13 September 2002, has the honour to communicate Poland's nomination of Eleonora Zielińska as a candidate for election as a judge of the International Criminal Court.

For the purpose of paragraph 5 of article 36 of the Rome Statute of the International Criminal Court, Mrs. Zielińska is being nominated for inclusion in list A.

...

Statement of qualifications

1. Professor Eleonora Zielińska, a Polish citizen, is an outstanding scholar working in the field of criminal law. She has accomplished a judge's special training and possesses all formal and material qualifications required in the Republic of Poland for appointment to the highest judicial offices as holder of the scientific degree of Professor of Legal Sciences. She is of the highest moral character, and enjoys all civil and citizen's rights. She is also a person of impartiality and integrity (article 36 (3) (a)).

2. The candidate has established competence in criminal law and procedure. Her numerous publications have been highly evaluated and rewarded, not only for their scientific value but also for practical importance for justice in criminal matters, as well as for reflecting the results of extensive comparative research and studies. Her book on professional liability and its relation to criminal responsibility became the outstanding and canonical manual for anybody dealing with the implementation of professional liability laws. A member of the Bar since 1988, she has a wide experience in providing various forms of legal assistance in criminal matters (legal counselling, elaborating legal opinions, drafting bills and other legal acts). She was the co-founder and promoter of clinical education in Poland as part of the practical legal education programme designed to train future lawyers, in the framework of which those who cannot afford to employ a lawyer and various impoverished or disadvantaged people obtain adequate legal services free of charge. She provided among other things, the counselling for victims of gender violence such as rape, sexual harassment and trafficking in women and asylum-seekers and refugees. Professor Zielińska is also an experienced judge in resolving disciplinary cases, in which the code of criminal procedure is applicable in accordance with the principle of subsidiarity, and in the past, for eight years, she worked as the legal adviser in the court of professional responsibility of physicians.

3. The candidate has well-established competence in the area of international criminal law as well as in human rights law. She is well known as an author and editor of publications on different topics of international criminal law and human rights issues. She was also involved in the process of bringing Polish criminal law

into conformity with international human rights standards and reviewing legislation to make it compatible with treaties ratified by Poland dealing with the international cooperation in criminal matters. The candidate has also elaborated extensive studies aimed at the harmonization of Polish legislation with European Union legislation in the field of criminal law.

4. As an expert in human rights, she dedicates her activities also to gender equality issues. For many years she has been an active supporter of women's rights in Poland, the drafter of the law on equal status of women and men, cooperating as an expert with non-governmental organizations, the Parliamentary Women's Group, and the Government Plenipotentiary for Equal Status of Women and Men. In 1995, Professor Zielińska was engaged in drafting the governmental report on the situation of women in Poland which was submitted at the Fourth World Conference on Women in Beijing. She took part in the Conference as an expert of the Polish Government delegation. Following the Conference, she co-authored the national programme for action on women, which implemented the provisions of the Beijing Platform for Action. Until 1997, she was also a delegate of the Government of Poland to the United Nations Commission on the Status of Women. Also noteworthy is her participation in the women's caucus of NGO Coalition working for the establishment of the International Criminal Court, and her achievements in popularizing in Poland the provisions of the Rome Statute relating to gender justice. It should also be noted that Professor Zielińska promotes and applies in practice the principle of gender mainstreaming in her teaching at Warsaw University. For this reason she included the gender perspective in her lectures on penal and medical law and also introduced at Warsaw University a specialized course, available to all students, on gender equality in law and practice in combating violence against women. She is also incorporating those issues in postgraduate courses in gender studies.

5. Her knowledge and extensive experience as a scholar, researcher and legal adviser are evidence of her professional legal capacity, which is of relevance to the judicial work of the Court.

6. It follows from the foregoing that Mrs Zielińska fulfils the requirements provided for in article 36 (3) (b) (i) and (ii).

7. Mrs. Zielińska knows several foreign languages. She has an excellent knowledge of English and is fluent in French (article 36 (3) (c)).

8. For the purposes of paragraph 5 of article 36 of the Statute, Mrs Zielińska has been nominated for inclusion in list A.

9. The information relating to article 36 (8) (a) (i) and (ii) is the following:

(a) Mrs. Zielińska is qualified and works in Poland, which has a continental legal system;

(b) Poland is a member of the Group of Eastern European States;

(c) Mrs. Zielińska is a female.

10. Mrs. Eleonora Zielińska also possesses profound legal expertise on combating violence against women and children (article 36 (8) (b)). She was a member of the group of specialists formed by the Council of Europe for combating violence against women (EG-S-VL), which worked on the Draft Plan of Action. She frequently gives lectures before judges, prosecutors, the police, social workers and other legal

professions in Poland on the nature of this kind of violence, indicating its most important forms and prevalent stereotypes. Mrs. Zielińska also underlines the reluctance of victims to report the crimes committed, which prevents them from obtaining a fair trial and just compensation for damages. She has also promoted international standards of action and good practices for the elimination of violence against women and has taken an active part in developing legislative proposals aimed at ensuring the safety of victims of violence and preventing their further victimization in the course of criminal proceedings.

She also has extensive knowledge and practical experience of issues relating to the protection of human rights with regard to the application of biomedicine (e.g. reproductive medicine, experiments and research on human beings).

11. Mrs. Eleonora Zielińska is a citizen of the Republic of Poland and does not possess the nationality of any other State.

* * *

Date and place of birth: 11 December 1945, Moscow.

Education

1968	Master of Law, Warsaw University.
1974	PhD in Law.
1986	Dr hab. in Law (Habilitation).
1991	University Professor.
2002	Scientific Title of Professor of Legal Sciences.

Foreign studies

1983	Institute of Comparative Law, Paris. Eight months' scholarship of French Government.
1986-1987	Max-Planck Institute of Foreign and International Criminal Law, A. von Humboldt Scholarship.
1996	Rutgers University, United States of America. Freiburg in Breisgau, Germany. Six months' scholarship.

Employment history

1968-1970	Apprenticeship at the Warsaw Regional Court, accomplished by passed judge's exam.
1970-present	Employed at Warsaw University School of Law and Administration, Institute of Penal Law.
1970-1974	As Assistant.
1974-1986	As Assistant Professor.
1986-1991	Associate Professor.
since 1991	Full Professor.
1991-1996 1999-2002	Director of the Institute of Penal Law.

Courses taught

Criminal Law, Violence against Women, Legal Protection of Women's Rights, International Cooperation and Jurisdiction in Criminal Matters, Medical Law.

Other occupations

1988-present	Member of the Warsaw Bar.
1989-1997	Legal Adviser to the Disciplinary Court of Chamber of Physicians (professional self-government organization).
1995-1997	Delegate of the Polish Government to the United Nations Commission on the Status of Women.
1989-present	Parliamentary Expert on Criminal, Medical Law and Gender Equality Issues.
1990-present	Council of Europe's Expert on Medical Law.
1993-present	Research Worker at the Institute of Justice at the Polish Ministry of Justice.
1992-present	Director of the Programme on Medical Law at Warsaw University.
1995-present	Council of Europe's Legal Expert on Gender Equality and Violence against Women.
1998-present	Co-founder and Director of Legal Clinic at the Warsaw University in the framework of which the poor and other disadvantaged people may get free legal services as part of the practical legal education programme designed to train future lawyers.
1999-present	Governmental Expert on International Criminal Jurisdiction and European Community Law in Penal Matters.
1989-present	Member of the Disciplinary Court for Warsaw University.
	Judge in the Disciplinary Court of Warsaw University and, since 1999, the President of the Court.
2001-present	Member of the Consultation Board of the Main Police Office.
	Member of the Consultation Board of the Plenipotentiary of the Polish Government for Equal Status of Women and Men.

Social activities

1974-present	Member of the International Association of Penal Law (AIDP); member of the Board of the Polish Section; 1994-1999, Undersecretary General of AIDP.
1989-present	Active supporter of women's rights in Poland, co-author of draft bills on reproductive rights and on equal status of women and men.
1996-present	Involved in NGO Coalition for an International Criminal Court (Women's Caucus).
	Member of the Board of the Polish Research Association on European Community Law.

1994-present	Member of the International Commission of Jurists; 1994-1998, member of the Board of the Polish Section.
	Member of the Editorial Board of the monthly *Państwo i Prawo* (Law and State), one of the high-ranking juridical periodicals in Poland.
1997-present	Member of the Board of the European Law Research Association in Poland, an organization affiliated with lawyers' associations, engaged in combating crimes against financial interests of the European Union in the EU member States and the candidate countries.

Prizes and awards

1976	Minister of Justice Award for doctoral dissertation on non-custodial penal measures.
1987	Leon Petrażycki Prize for habilitation book on abortion.
2001	Polish Laureate of Women of Europe Award (International Association for the Promotion of Women in Europe — AIPFE).
2002	Prize of the Minister of Science and Higher Education for book on professional liability of physicians and its relation to penal responsibility.
1990s	Several awards of Rector of the Warsaw University for scientific and academic achievements.

Languages

Polish (mother tongue), French, English, German, Russian.

Publications

Books (in Polish)

Kary nie związane z pozbawieniem wolności (Non-custodial Penal Measures), Wydawnictwo Prawnicze, 1976.

Oceny prawne przerywania ciąży. Studium Porównawcze (Legal Evaluations of Abortion. Comparative study). Wydawnictwa Uniwersytetu Warszawskiego, 1986.

Przerywanie ciąży w Polsce i na świecie (Interruption of Pregnancy. Conditions of admissibility in Poland and other countries). Wydawnictwo Prawnicze, 1990.

Odpowiedzialność zawodowa lekarzy i jej stosunek do odpowiedzialności karnej (Professional liability of physicians and its Relations to Penal Responsibility), Liber, 2001.

Reports and studies

"Penal and administrative sanctions, settlement, whistle blowing and Corpus Juris in the candidate countries". Polish report. Available in English on CD-ROM.

"Equal Opportunities for Women and Men in the European Accession Programme. Polish monitoring report. Joint Programme of the Open Society Foundation — Romania and the Network Women's Programme of the Open Society Institute". (in English).

"Recherche GROTIUS — L'harmonisation des sanctions penales en Europe". Polish report (in English).

"Implementation of the provisions of the Statute of the International Criminal Code in Polish law" (in Polish).

Books edited

Standardy prawne Rady Europy. Teksty I Komentarze. Tom III Prawo karne (Legal standards of the Council of Europe in the field of penal law. Texts and commentaries) Oficyna Naukowa, Warsaw, 1997.

Prawo wspólnot Europejskich a prawo polskie. Dokumenty karne (Law of European Communities and Polish penal law). Oficyna Naukowa, Warsaw, 2000.

Corpus Juris. Bilingual edition: English-Polish. C. H. Beck. Warsaw, 1999.

Important publications in foreign languages

"Schutz der Wirtschaftsinteressen der Europäischen Union und das polnische Strafrecht", *Ostereuropa Recht* 2001, No. 4 (with E. Weigend).

"Das polnische Strafrecht zur Zeit der demokratischen Reformprozesse", *Festschrift für O. Triffterer*, K. Schmoller, Spring Wien-New York, 1996.

"Zeitgesetze in polnischen Strafrecht", in: *Modernes Strafrecht und ultima ratio Prinzip*, Frankfurt, 1990, with E. Weigend.

"Gewalt gegen Frauen in Polen", in*: Internationale Perspektiven in Kriminologie und Strafrecht*. Festschrift fuer G. Kaiser zum 70 Geburstag. Duncker & Humboldt, Berlin, 1998.

"Das Verhältnis zwischen der strafrechtlichen und standesrechtlicher Verantwörtlichkeit des Arztes", *Medizinrecht* 1990 No. 6.

"Das neue polnische Regelung der Schwangerschaftsabbruch". *Zeitschrift für die gesamte Strafrechtswissenschaft*, 1994 Nro. 1 (with E. Weigend).

"Das neue polnische Transplantationsgesetz. *Medizinrecht* 1996, No. 10, s. 445 (with E. Weigend).

"Aktuelle Entwicklungen im Polnischen Recht des Schwangerschaftsabbruchs". *Goltdammer's Archiv für Strafecht* 2000 No. 7 (with E. Weigend).

"L'entrée, le séjour et le travail des étrangers en Pologne", in: *Quelle Politique Penale pour l'Europe*, M. Delmas-Marty ed., Economica, Paris, 1993.

"Les mesures penales substitutives de la privation de liberté dans les pays socialistes européens, notamment les travaux d'intérêt général". *Revue des sciences criminelles et de droit pénal comparé*, 1985 No. 1.

Les empreintes génétiques: vérité scientifique et droit de la filiation. Rapport polonais. Institut de recherches comparatives sur les institutions et le droit. Paris, 1996.

"A New Type of Sanction in Poland: The Non-Custodial Curtailment of Liberty". *International Journal of Offender Therapy and Comparative Criminology*, 1976, No. 1.

"Non-Custodial Penal Measures in European Socialist Countries". *International Revue of Criminal Policy*, 1981, No. 36. With S. Frankowski.

"First Offender in the Criminal Justice System", in: *The Polish Process of the Criminal Justice System: Scandinavian-Polish work meeting*. Scandinavian Research Council for Criminology, Denmark, 1981.

Equality in the labour market and reconciliation of family and professional life: trends and perspectives. General Report of the Information Forum on the National Policies in the Field of Equality between Women and Men organized by the Council of Europe and Plenipotentiary of the Polish Government on the Family and Women. Poland, November 1996. Council of Europe, 1997.

"Abortion in Poland", in: *Abortion and the Protection of the Human Fetus. Legal Problems in a Cross-cultural Perspective*, ed. G. Cole, S. Frankowski, Martinus Nijhoff Publishers, Dordrecht, 1987.

"Legal Responses to AIDS — A Polish Perspective", in: *Legal Responses to AIDS in Comparative Perspective*. Ed. S. Frankowski. Kluwer Law International, The Hague, 1998 (with S. Frankowski).

"Strengthening Human Rights for Women and Men in Matters relating to Sexual Behaviour and Reproduction". Rapport für Europarat veröffentlicht in: Europarat Dokumentation EG/EM (91) 6, *Journal International de Bioéthique* 1992, No. 4, v. 3 (with J. Plakwicz).

"Recent Trends in Abortion Legislation in Eastern Europe, with Particular Reference to Poland", *Criminal Law Forum* 1993, No. 1, vol. 4.

"Obstacles and Barriers to an Equal Status Act in Poland" in: *Women: the Past and the New Roles. Bulletin of the Center for Europe*, Warsaw University, 1995, No. 1 (with Malgorzata Fuszara).

"The Abortion Debate in Poland", in: *Abortion in Europe*, ed. B. Rolston, A. Eggert, Greenwood Press, Connecticut, 1994 (with J. Plakwicz).

"Participation of Women: Changes and effects of the transformation process. Losers of the 'Wende' — Winners of the EU. Participation of Women: Chances and effects of the transformation process". *Politik und Geschlecht*. Forum. Austrian Political Science Association. Documentation of the Conference in Vienna, 1998.

"Between ideology and common sense. The discourse of Reproductive Rights in Poland", in: *Reproducing Gender: Politics, Publics, and Everyday Life after Socialism*, ed. S. Gail, G. Klingman, Princeton University Press. New Jersey, 2000.

"Women the criminal justice system", in: *Crime and Law Enforcement in Poland on the Threshold of the 21st Century*. Institute of Justice, ed. A. Siemaszko. Oficyna Naukowa Warsaw, 2000.

And about 60 other publications on different topics in Polish and other languages.

* * *

On behalf of the Polish National Group in the Permanent Court of Arbitration and pursuant to article 36, paragraph 4 (a) (ii), of the Statute of the International Criminal Court in conjunction with article 4 of the Statute of the International Court of Justice, I have the honour to present Mrs. Eleonora Zielińska as the Polish candidate to the International Criminal Court.

Mrs. Zielińska is a Professor of Penal Law at Warsaw University. She fulfils the conditions of article 36, paragraph 3, of the Statute in respect of both moral and professional qualities. She also has broad experience in the practice of law and is fluent in both working languages of the Court. A detailed curriculum vitae, including the list of principal publications, is attached to the present nomination.

(*Signed*) Jerzy **Makarczyk**
Chairman of the Polish National Group in the
Permanent Court of Arbitration

Warsaw, 8 October 2002

44. Zupančič, Boštjan M. (Slovenia)

[Original: English/French]

Note verbale

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his letter of 13 September 2002, has the honour to communicate that the Government of the Republic of Slovenia has decided to present the candidature of Dr. Boštjan Zupančič for the post of judge at the International Criminal Court.

Dr. Boštjan M. Zupančič is currently a judge of the European Court of Human Rights in Strasbourg. Previously he served as a judge of the Constitutional Court of Slovenia and President of the Criminal Law Chamber for five years and as a member (and Vice-Chair) of the United Nations Committee against Torture for three years.

Dr. Zupančič is a distinguished professor of international criminal law and procedure and has delivered lectures at several renowned law faculties, including the University of Ljubljana, Harvard Law School, the University of Washington, China University of Law and Public Policy and Paris I (Sorbonne-Panthéon), Faculté de droit.

He has always cherished the values of justice, fairness and integrity. The Government of the Republic of Slovenia is convinced that, if elected, Dr. Boštjan M. Zupančič would fulfil the requirements for an independent member of high moral character, impartiality and integrity with extensive expertise in criminal law. He is fluent in the English and French languages.

Dr. Zupančič is a candidate on list A, pursuant to article 36 of the Statute of the International Criminal Court.

...

The nomination of Dr. Boštjan M. Zupančič was made by the procedure for nomination of candidates for appointment to the highest judicial offices in Slovenia.

...

Statement of qualifications

Dr. Boštjan M. Zupančič, a Slovenian citizen, is an outstanding expert in the field of international criminal law, criminal procedure law and human rights law. He has received the training required and possesses all the necessary qualifications for the nomination to the highest judicial offices in the Republic of Slovenia. He is also professor of criminal and criminal procedure law at the University of Ljubljana and a visiting professor in several other law schools. He is a person of high moral character, impartiality and integrity (article 36(3)(a)).

The nomination of Dr. Zupančič as a candidate for the post of judge of the International Criminal Court was made pursuant to national law (Act Regulating Nomination of Candidates from the Republic of Slovenia for the post of a Judge of an International Court (Official Gazette, No. 64-3468/01).

Dr. Zupančič has acquired competence in criminal law, criminal procedure law and human rights law. His numerous publications worldwide and his lectures at numerous universities and other institutions as well as his membership in the Committee against Torture are highly valued. He holds a Ph.D. from Harvard Law School, where he was also a research scholar and visiting professor. He is currently a judge at the European Court of Human Rights. Prior to that he was a judge at the Constitutional Court of the Republic of Slovenia. Thanks to his extensive work and experience both in the academic sphere and in the judiciary, he has gained wide knowledge of criminal law, and especially of criminal procedure law.

Moreover, Dr. Zupančič has extensive experience in international humanitarian and human rights law, based on his work in the Committee against Torture and the European Court of Human Rights.

Dr. Zupančič has throughout his rich career both as professor and judge published numerous books, articles and other publications. He was educated in the continental and the Anglo-Saxon legal systems.

Dr. Zupančič is a candidate on list A.

Dr. Zupančič is fluent in English and French and speaks several other languages (see curriculum vitae).

Dr. Zupančič is a citizen of the Republic of Slovenia and does not hold any other citizenship.

* * *

Sex: male.

Date and place of birth: 13 May 1947, Ljubljana.

Judicial and human rights experience

Three years as a judge of the European Court of Human Rights.

Three years as a member (and Vice-Chair) of the United Nations Committee against Torture.

Five years as a judge of the Constitutional Court of Slovenia and President of the Criminal Law Chamber.

Education and academic qualifications

1981	Harvard Law School, Cambridge, Massachusetts, *Scientiae Juris Doctor (S.J.D.)*, Professor R. M. Unger, Mentor. Dissertation: "Criminal Law: The Conflict and the Rules" (published).
1976-1977	Harvard Law School, Research Scholar.
1973-1974	Harvard Law School, S.J.D. Program.
1972-1973	Harvard Law School, LL.M (average grade: A-).
1971-1972	Université de Montréal, Canada, École de Criminologie, Research Scholar.

1970-1971	University of Zagreb, Faculty of Law; pursued Master of Laws course.
Summer 1968	University of Cambridge, United Kingdom — extramural in law studies.
1966-1970	University of Ljubljana, Faculty of Law, *Dipl. iur.* (average grade: 9 (out of 10)). Prize scholarships: "Boris Kraigher", "Boris Kidrič" and "Dr. Prešeren Award" (highest available for students).

Employment

1 November 1998-present	Judge of the European Court of Human Rights.
1993-1998	Judge of the Constitutional Court of Slovenia; Chair of the Criminal Law Chamber.
1995-1998	United Nations Committee against Torture (Geneva), member; Vice-Chair (1997-1998).
1993	China University of Law and Public Policy, Visiting Professor.
1989-1992	University of Ljubljana, First Vice-President (for academic affairs).
1986-1998	University of Ljubljana, Faculty of Law, Full Professor of Law in 1989.
1982-1986	Seton Hall University, Law School, New Jersey, United States of America, Full Professor of Law in 1985.
1983-1985	Athens University and Temple University (Pennsylvania), joint summer programmes.
1981	Fordham University, School of Law, Visiting Professor of Law.
1980-1981	Seton Hall University, Law School, Visiting Professor of Law.
1980	University of Iowa, United States, College of Law, Visiting Professor of Law.
1979	Supreme Court of Slovenia, clerking.
1977-1979	New York Law School, Assistant Professor of Law.
1975-1976	University of Ljubljana, Law School, Assistant Professor of Law.
1976	Circuit Court of Ljubljana, clerking.
1974-1975	Army — Honorary discharge, Corporal.
1970-1974	University of Ljubljana, Assistant Professor.

Languages

(VG = very good; G = good; F = fair)

First language:	Slovene: reading (VG), writing (VG), speaking (VG)
Official United Nations languages:	English: reading (VG), writing (VG), speaking (VG) French: reading (VG), writing (F), speaking (VG)
Other languages:	Serbian and Croatian: reading (VG), writing (VG), speaking (VG); German: reading (F), writing (—), speaking (F); Italian: reading (F), writing (—), speaking (F); Latin: reading (VG), writing (—), speaking (—);
Can follow:	Russian, Czech, Slovak, Polish, Macedonian, Bulgarian, Spanish, etc.

Short list of books and treatises in English and French

"From Combat to Contract: What Does the Constitution Constitute?", 1 *European Journal of Law Reform* 59-95 (1999), in Czech-language journal *Pravnik*, 1997. Translation and publication in Portuguese in 2002.

"The Crown and the Criminal: Towards the General Principles of Criminal Procedure", 9 *European Review of Public Law* 11-39 (1997).

"Criminal Law and its Influence upon Normative Integration", LL.M. thesis, Harvard Law School, 7 *Acta Criminologica* (spring 1974), Montreal, Canada.

Criminal Law: The Conflict and the Rules (S.J.D. dissertation, Harvard Law School), New York, 1981 (296 pages, published as articles, see below).

"The Privilege against Self-Incrimination", *Arizona State Law Journal* (1981:1) 1-25.

"On Legal Formalism: The Principle of Legality in Criminal Law", 27 *Loyola Law Review* 356-369 (1981).

"Truth and Impartiality in the Criminal Process", 8 *Journal of Contemporary Law* 39-133 (1982).

Criminal Law: Its Nature and its Function, New York, 1983, 401 pp. (to appear in Chinese in 2001).

"Criminal Responsibility under Mistake of Law: the Real Reasons", 13 *American Journal of Criminal Law* 37-66 (1985).

Criminal Procedure: A Theoretical Vademecum, Seton Hall, 1985, 400 pp. (textbook).

Criminal Law, Seton Hall, 1986, 358 pp. (advanced criminal law textbook).

"Access to Court", 9(2) *Nottingham Law Journal* 1-16 (December 2000).

Criminal Law, book, 350 pp., Beijing 2001 (in Chinese).

"Droit constitutionnel et jurisprudence de la Cour européenne des droits de l'homme", Tentative de synthèse, in 2001 *Annuaire de droit constitutionnel* (Marseille), p. 14.

Adjudication and the Rule of Law, book, to appear in 2003.

Summary of publications in Slovene (1986-1999)

Books

Criminal Procedure Textbook and Casebook, five editions: 1986, 1987, 1989, 1991 and 1994.

Analysis of a Court Martial Criminal Process, 1988 (262 pages) — co-author and editor.

Freedom of Association, 1990 (321 pages) — co-author and editor.

Constitutional Criminal Procedure Casebook (1996) (915 pages); 2nd edition (1100 pages) 1999.

Articles

About 20 longer legal treatises, numerous short articles.

Membership of learned bodies

Society for the Reform of Criminal Law, Vancouver, Canada.

Association Internationale de droit Constitutionnel.

Editorial Board of *Dignitas*, Ljubljana.

Editorial Board *Revija 2000*, Ljubljana.

International Editorial Board, *Pravni Vjesnik*, Osijek, Croatia.

Advisory Board, *Nottingham Law Journal*, United Kingdom.

Lectures

Harvard Law School, 1995, 1998.

Chong Qing University of Law and Public Policy (future judges, prosecutors and policemen), China, 1994.

China University of Law and Public Policy (future judges, prosecutors and policemen), Beijing, 1994.

University of Cardiff, Wales, United Kingdom, 1995.

Beijing University, Faculty of Law, 1997.

Gong An (Police) University, Beijing, 1997.

Central European University, Budapest, 1997.

Zagreb University, Faculty of Law, LL.M. Programme in Criminal Law (judges, prosecutors and policemen), Zagreb, 1997.

Lectures to Slovene judges and lawyers, 1997, 1998, 1999, 2000, 2001, 2002.

Cyprus Human Rights Association (judges, prosecutors and lawyers), 1999.

Lecture to Norvegian judges, European Court of Human Rights, Strasbourg, France, 1999.

Lecture to École nationale d'administration (ENA), European Court of Human Rights, Strasbourg, France, 1999.

University of Washington, Law School, Seattle, United States, 1999.

University of British Columbia and British Columbia Bar Association, Vancouver, Canada, 1999.

Université Paris XIII, Faculté de droit, autumn 1999, spring and autumn 2000.

Lecture to Association international de droit constitutionnel, senat, Paris, spring 2001.

Amnesty International, Ljubljana, autumn 2000.

Lectures to judges, Kiev, spring 2002.

Keyspeech to the Organization for Security and Cooperation in Europe, Warsaw, spring 2002.

College of Criminal Justice (judges, prosecutors and policemen), Ljubljana, spring 2002.

Paris I (Sorbonne-Panthéon), Faculté de droit, autumn 2002.

University of Idaho, Law School, United States of America, spring 2003.